

# **EXHIBIT 36**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
3

4 -----x

5 MONIQUE RUSSELL, JASMINE RIGGINS, Civil Action No.

6 ELSA M. POWELL, and DESIRE EVANS, 18-5629

7 Plaintiffs, Honorable

Joshua D. Wolson

8 v.

9 EDUCATIONAL COMMISSION FOR FOREIGN  
10 MEDICAL GRADUATES,

11 Defendant.

12 -----x

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15 VIDEOTAPED DEPOSITION OF DESIRE EVANS

16 Washington, D.C.

17 Thursday, September 5, 2019

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23 GOLKOW LITIGATION SERVICES

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1	1 A P P E A R A N C E S (continued):
2	2
3	3 On Behalf of Defendant EDUCATIONAL COMMISSION FOR
4	4 FOREIGN MEDICAL GRADUATES:
5 Thursday, September 5, 2019	5 Morgan, Lewis & Bockius, LLP
6 10:32 a.m.	6 1701 Market Street
7	7 Philadelphia, Pennsylvania 19103
8	8 (215) 963-5609
9	9 By: Elisa P. McEnroe, Esq.
10	10 By: Matthew D. Klayman, Esq.
11 The following is the transcript of the	11
12 videotaped deposition of DESIRE EVANS held at the	12
13 offices of Morgan, Lewis & Bockius, LLP, 1111	13
14 Pennsylvania Avenue, NW, Washington, DC 20004.	14
15	15
16	16
17	17
18	18
19 Reported by: Linda S. Kinkade, RDR CRR RMR RPR CSR	19
20 Registered Diplomate Reporter, Nationally Certified	20
21 Realtime Reporter, Registered Professional Reporter	21
22 with Merit Distinction, Certified Shorthand Reporter	22 Also present:
23 (CA), Notary Public, within and for the District of	23 Crystal Strawbridge, Videographer
24 Columbia, and official duly authorized to administer	24
25 oaths and/or affirmations.	25
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1 A P P E A R A N C E S:	1 INDEX OF EXAMINATION
2	2
3	3 EXAMINATION OF DESIRE EVANS PAGE
4 On Behalf of Plaintiffs MONIQUE RUSSELL, JASMINE	4 BY MS. MCENROE 8
5 RIGGINS, ELSA M. POWELL, and DESIRE EVANS:	5 BY MR. CERYES 181
6 Schochor, Federico and Staton, P.A.	6
7 1211 St. Paul Street	7
8 Baltimore, Maryland 21202	8
9 (410) 234-1000	9
10 By: Brent Ceryes, Esq.	10
11	11
12	12
13 -and-	13
14	14
15 Law Offices of Peter G. Angelos	15
16 One Charles Center	16
17 100 N. Charles Street	17
18 Baltimore, Maryland 21201	18
19 (410) 649-2000	19
20 By: Paul M. Vettori, Esq.	20
21	21
22	22
23	23
24	24
25	25

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<p>1                   <b>E X H I B I T S</b></p> <p>2</p> <p>3 NO.           DESCRIPTION                   PAGE</p> <p>4 Exhibit 1   Amended Notice of Deposition of ... 60</p> <p>5                 Plaintiff Desire Evans</p> <p>6 Exhibit 2   History and Physical Examination .. 100</p> <p>7                 re Desire Evans</p> <p>8 Exhibit 3   Medical Records re Desire Evans ... 108</p> <p>9                 Smith 000001 - Smith 000023</p> <p>10 Exhibit 4   Civil Action re Russell, et al. ... 148</p> <p>11                 v. ECFMG</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1                   <b>DESIRE EVANS,</b></p> <p>2                 having been first duly sworn and/or affirmed</p> <p>3 on their oath, was thereafter examined and testified</p> <p>4 as follows:</p> <p>5                   <b>EXAMINATION</b></p> <p>6 BY MS. MCENROE:</p> <p>7         Q. Good morning, Ms. Evans.</p> <p>8         A. Good morning.</p> <p>9         Q. My name is Elisa McEnroe, counsel for the</p> <p>10 Educational Commission for Foreign Medical Graduates.</p> <p>11 We met briefly this morning for the first time; is</p> <p>12 that correct?</p> <p>13         A. Yes, ma'am.</p> <p>14         Q. Could you please state and spell your name</p> <p>15 for the record?</p> <p>16         A. Desire, D-E-S-I-R-E, Evans, E-V-A-N-S.</p> <p>17         Q. Great. And your birthday is [REDACTED]</p> <p>[REDACTED] is that correct?</p> <p>18         A. Yes, ma'am.</p> <p>19         Q. That makes you [REDACTED] years old?</p> <p>20         A. Yes.</p> <p>21         Q. Thank you.</p> <p>22         A. Tell everybody.</p> <p>23         Q. We'll mark parts of the deposition</p> <p>24 confidential as needed.</p>
<p style="text-align: center;">Page 7</p> <p>1                   <b>P R O C E E D I N G S</b></p> <p>2         VIDEO SPECIALIST: We're now on the record.</p> <p>3 My name is Crystal Strawbridge. I'm a videographer</p> <p>4 for Golkow Litigation Services. Today's date is</p> <p>5 September 5th, 2019, and the time is 10:32 a.m.</p> <p>6         This video deposition is being held at 1111</p> <p>7 Pennsylvania Avenue, northwest, Washington, D.C., in</p> <p>8 the matter of Monique Russell, et al. v. Educational</p> <p>9 Commission for Foreign Medical Graduates, Civil Action</p> <p>10 number 18-5629, for the United States District Court,</p> <p>11 for the Eastern District of Pennsylvania. The</p> <p>12 deponent is Desire Evans.</p> <p>13         Will counsel please identify themselves.</p> <p>14         MR. CERYES: Brent Ceryes on behalf of the</p> <p>15 plaintiff.</p> <p>16         MR. VETTORI: Paul Vettori on behalf of the</p> <p>17 plaintiffs.</p> <p>18         MS. MCENROE: Good morning. Elisa McEnroe</p> <p>19 for Morgan, Lewis &amp; Bockius on behalf of defendant</p> <p>20 Educational Commission for Foreign Medical Graduates,</p> <p>21 and today I have with me my colleague, Matt Klayman.</p> <p>22         VIDEO SPECIALIST: The court reporter is</p> <p>23 Linda Kinkade and will now swear in the witness.</p> <p>24 //</p> <p>25 //</p>	<p style="text-align: center;">Page 9</p> <p>1         And you understand that you're here today</p> <p>2 because you filed a lawsuit against my client, the</p> <p>3 Educational Commission for Foreign Medical Graduates,</p> <p>4 correct?</p> <p>5         A. Yes, ma'am.</p> <p>6         Q. Because of the nature of the allegations in</p> <p>7 the lawsuit, certain of the topics we discuss today</p> <p>8 may be particularly sensitive for you. And so I want</p> <p>9 to let you know that, if you need to take a break or</p> <p>10 you need to take a minute, you just let us know. This</p> <p>11 is not meant to be a marathon today. I want to make</p> <p>12 sure you're in a position to be able to tell the truth</p> <p>13 and a full answer every time I ask a question. Do you</p> <p>14 understand?</p> <p>15         A. Yes, ma'am.</p> <p>16         Q. If at any time today you do need to take a</p> <p>17 break, I just ask that the question that's pending be</p> <p>18 answered, and then I'd be happy to take a break.</p> <p>19 Okay?</p> <p>20         A. Yes, ma'am.</p> <p>21         Q. And you've been deposed before?</p> <p>22         A. Yes, ma'am.</p> <p>23         Q. So you generally have a sense of how this</p> <p>24 works?</p> <p>25         A. Yes, ma'am.</p>

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1       Q. I'm going to ask you some questions. I'm 2       going to ask that you give me answers. 3       A. Yes, ma'am. 4       Q. And it works best if we don't talk on top 5       of each other, correct? 6       A. Yes, ma'am. 7       Q. Great. And so you've been deposed 8       previously. How many times? 9       A. One time. 10      Q. Okay. And was that on March 28th, 2019? 11      A. Yes. 12      Q. And was that in connection with another 13     lawsuit that you had filed? 14      A. Yes. 15      Q. Against whom? 16      A. Dimensions Health Systems, I believe. 17      Q. In Maryland? 18      A. Yes. 19      Q. And you understand that there's a 20     deposition transcript that came out of that 21     deposition? 22      A. Yes. 23      Q. Have you seen that deposition transcript? 24      A. Yes. 25      Q. Do you confirm that what you testified to	1       A. Yes, ma'am. 2       Q. Otherwise, we're going to take that 3       everything you tell us today and everything you told 4       the court when you were deposed in the Dimensions 5       litigation was the truth. Do you understand? 6       A. Yes, ma'am. 7       Q. Is there any reason that you can't tell the 8       truth today? 9       A. No, ma'am. 10      Q. Okay. Are you taking any medications that 11     make you confused or foggy at the moment? 12      A. I am on medication, but I haven't taken 13     anything today. 14      Q. And so your memory is clear? 15      A. Yes. 16      Q. Have you ever used a different last name 17     than Evans? 18      A. My maiden name is Clifton. 19      Q. And so at a point in time did you use the 20     name Desire Nichole Clifton? 21      A. Yes. 22      Q. Is it fair to say that you changed your 23     name because you got married? 24      A. Yes, ma'am. 25      Q. And when was that?
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1       in that Dimensions deposition is true and correct? 2       A. Yes. 3       MR. CERYES: Objection to the breadth of 4       the question. 5       You can answer. 6       A. Yes. 7       Q. And from time to time your counsel will 8       object, so we'll just give him a second in case he 9       needs to get those in. 10      So, is that correct, that you confirmed that 11     you told the truth at the Dimensions deposition? 12      A. Yes. 13      MR. CERYES: Same objection. 14      Q. Anything you'd like to change or clarify 15     from your testimony as you recall from the deposition 16     in the Dimensions matter? 17      MR. CERYES: Same objection. 18      A. No. 19      Q. To help save some time, I may not ask you 20     every question that was asked there, but if there is 21     something in particular that, as we proceed today, you 22     remember that you would like to correct about either 23     your testimony today or your testimony at the 24     Dimensions deposition, I ask that you please let us 25     know. Okay?	1       A. I got married December 31st, 2015. 2       Q. To whom? 3       A. Michael Evans. 4       Q. And is he still your husband? 5       A. Yes, ma'am. 6       Q. And is he the father of the child that 7       we'll discuss a little bit later today that you have? 8       A. Yes, ma'am. 9       Q. Great. And what is that child's name? 10      A. Peyton Alexander Evans. 11      Q. And you still have your dog? 12      A. Huh? 13      Q. And you still have your dog? 14      A. Yes. 15      Q. Okay. Great. Do you have any other 16     children living with you? 17      A. No, ma'am. 18      Q. Do you have any other biological children 19     that you've birthed? 20      A. No, ma'am. 21      Q. What is Mr. Evans' profession? 22      A. He is a bus operator for Metro. 23      Q. For Metro. Great. And has that been 24     consistent over time? 25      A. Well, he just started working there. He

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<p>1 was previously a supervisor for Circulator, a      2 different transportation place in D.C., but same line      3 of work.</p> <p>4 Q. So he was a bus driver previously as well?</p> <p>5 A. Well, he was a road supervisor. He was      6 promoted from a bus driver to a road supervisor, but      7 he went to Metro as a bus driver.</p> <p>8 Q. And since you guys were married has he      9 worked in the transportation industry?</p> <p>10 A. Yes.</p> <p>11 Q. And does he work full-time?</p> <p>12 A. Yes.</p> <p>13 Q. Does he have any FMLA or ADA leave that      14 he's on at the moment?</p> <p>15 A. No.</p> <p>16 Q. Has he ever to your knowledge had FMLA or      17 ADA leave?</p> <p>18 A. During the birth of our child he did FMLA.</p> <p>19 Q. And how long did he take?</p> <p>20 A. I don't remember. Maybe two weeks. It      21 wasn't long.</p> <p>22 Q. Is your current address 4057 Parker Court      23 in Waldorf, Maryland?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. You previously testified at the Dimensions</p>	<p>1 end of the week. So it's a full-time schedule.</p> <p>2 Q. So to restate it just to make sure I      3 understand, do you log in from a computer terminal at      4 home?</p> <p>5 A. Yes.</p> <p>6 Q. And you complete the coursework as it fits      7 your schedule?</p> <p>8 A. Yes.</p> <p>9 Q. And that's a full-time course load, Monday      10 through Friday?</p> <p>11 A. Yes. Yes.</p> <p>12 Q. How many hours a day Monday through Friday      13 would you estimate you spend on your studies?</p> <p>14 A. Four and a half.</p> <p>15 Q. Hours?</p> <p>16 A. Yes, four and a half hours.</p> <p>17 Q. Thank you. Does that involve other      18 homework outside of that, or is that inclusive of all      19 of your work for Strayer University each day?</p> <p>20 A. That's -- that's my just for Strayer      21 University each day.</p> <p>22 Q. And you said that's just for Strayer      23 University. Do you do other work as well?</p> <p>24 A. Well, I work from home, so once I get off      25 of work from working for BlueCross BlueShield, I start</p>
<p style="text-align: center;">Page 15</p> <p>1 deposition about your education and your professional      2 background, so I'm not going to get into all of those      3 details just to save us a little bit of time, but I am      4 going to do some of the just basic nuts and bolts to      5 make sure I have an understanding. Is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. You graduated high school in 1997; is that      8 correct?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And you attended Strayer University to      11 study cybersecurity; is that correct?</p> <p>12 A. Current.</p> <p>13 Q. Have you finished that program of study?</p> <p>14 A. No, ma'am. I'm currently there.</p> <p>15 Q. And when are you scheduled to finish?</p> <p>16 A. '22.</p> <p>17 Q. 2022?</p> <p>18 A. Yes, 2022. I'm on the dean's list too.</p> <p>19 Q. Congratulations.</p> <p>20 A. Thank you.</p> <p>21 Q. Is that a part-time schedule? How does      22 that work with your work?</p> <p>23 A. No, so it's online school. I go -- it's      24 Monday through Friday. I just have to complete my      25 assignment, you know. They set assignments before the</p>	<p style="text-align: center;">Page 17</p> <p>1 doing my Strayer work.</p> <p>2 Q. And the BlueCross BlueShield job that you      3 just mentioned, is that the same job that you had when      4 you were deposed in the Dimensions litigation?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Are you in the same position you were in      7 then?</p> <p>8 A. Yes, ma'am.</p> <p>9 Q. So that's the senior customer service      10 advisor; is that correct?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. How many hours a day would you estimate you      13 work for BlueCross BlueShield?</p> <p>14 A. Eight.</p> <p>15 Q. Monday through Friday?</p> <p>16 A. Yes.</p> <p>17 Q. Do any of your job responsibilities for      18 BlueCross BlueShield bleed into the weekend?</p> <p>19 A. No.</p> <p>20 Q. Is it shift work for BlueCross BlueShield,      21 like you have a certain time you're supposed to be on      22 and then you get off at a certain time?</p> <p>23 A. Yes, 8:30 to 5:00.</p> <p>24 Q. Is that a preset schedule?</p> <p>25 A. Yes.</p>

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<p>1 Q. And you mentioned that you work from out of 2 your home; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Tell me a little bit about your office 5 setup at home.</p> <p>6 A. It's just an office. It's in the down -- 7 downstairs area of my home.</p> <p>8 Q. Is it a separate room?</p> <p>9 A. Yeah, it's a separate room.</p> <p>10 Q. With a door that closes?</p> <p>11 A. Yes, ma'am. I have -- it's a setup 12 office -- a desk, printer, shredder, TV.</p> <p>13 Q. I presume a telephone?</p> <p>14 A. Yeah, telephone.</p> <p>15 Q. You spend a lot of time on the telephone in 16 that job?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the majority of your job is spent 19 on the telephone?</p> <p>20 A. It is, yes.</p> <p>21 Q. And just very briefly, in terms of your job 22 responsibilities, as a senior customer service 23 advisor, I understand you spend a lot of time on the 24 phone. What is it, just generally speaking, you're 25 doing when you're on the phone?</p>	<p>1 A. Yes.</p> <p>2 Q. When did you stop working out of the 3 office?</p> <p>4 A. I want to -- after I had my son. I want to 5 say maybe two months after I had my son.</p> <p>6 Q. Did you take time out of work for the birth 7 of your child?</p> <p>8 A. I did.</p> <p>9 Q. How long?</p> <p>10 A. I stopped working in February, at the end 11 of February. I want to say maybe four weeks prior.</p> <p>12 Q. You stopped four weeks before you had your 13 son?</p> <p>14 A. I believe it was four weeks prior, yes.</p> <p>15 Q. And then how long were you out after you 16 had your son?</p> <p>17 A. Another maybe additional 30 days. I can't 18 really remember.</p> <p>19 Q. After you had your son, did you return to 20 work in the office physically for 21 BlueCross BlueShield?</p> <p>22 A. No.</p> <p>23 Q. Did you switch directly to working from 24 home for them?</p> <p>25 A. Yes.</p>
<p>Page 19</p> <p>1 A. Help answering questions for insured 2 members, so fixing the claims. I have a long list of 3 duties.</p> <p>4 Q. But, generally, sort of contained within 5 that universe?</p> <p>6 A. Yes.</p> <p>7 Q. How long have you had the job with 8 BlueCross BlueShield?</p> <p>9 A. Since, I want to say, June 25th, 2015. I 10 might -- the day might be wrong, but it was June 2015.</p> <p>11 Q. That was before you had your son, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Prior to having your son did you work from 14 home?</p> <p>15 A. No.</p> <p>16 Q. Did you work in an office setting?</p> <p>17 A. Yes.</p> <p>18 Q. Where was that office?</p> <p>19 A. In Fairfax, Virginia.</p> <p>20 Q. How far is that from where you reside, or 21 resided at the time, I should say?</p> <p>22 A. About an hour, 45 minutes to an hour.</p> <p>23 Q. Hour or 45-minute commute each way?</p> <p>24 A. Yes.</p> <p>25 Q. Would you drive?</p>	<p>Page 21</p> <p>1 Q. And when did you start your studying for 2 your cybersecurity certificate from Strayer 3 University?</p> <p>4 A. In April of this year.</p> <p>5 Q. So that would be April 2019?</p> <p>6 A. 2019, yes.</p> <p>7 Q. How old is your son, Peyton?</p> <p>8 A. Three. I was trying to make sure I started 9 in April. I have to think about -- I'm not sure if it 10 was in April -- I'm not sure if I started the spring 11 or the winter semester.</p> <p>12 Q. But 2019 either way?</p> <p>13 A. 2019, yes.</p> <p>14 Q. So either winter or spring 2019 for sure.</p> <p>15 A. Yes.</p> <p>16 Q. Thank you. I appreciate you keeping your 17 answers precise.</p> <p>18 So Peyton is three years old, you said?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. And what is his schedule like? Does he 21 have a childcare provider other than you and your 22 husband? Does he go to daycare?</p> <p>23 A. No, he doesn't go to daycare. He just 24 recently, since my husband started working for Metro, 25 started going to his grandmoms' house during the day</p>

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<p>1 so I can work and concentrate on school.</p> <p>2 Q. Is that your mom or is that your husband's</p> <p>3 mom?</p> <p>4 A. Both.</p> <p>5 Q. Oh.</p> <p>6 A. Mondays and Fridays he's with my mother and</p> <p>7 Tuesdays, Wednesdays and Thursdays he's with my</p> <p>8 husband's mother.</p> <p>9 Q. What kind of hours?</p> <p>10 A. Six in the morning until 5 p.m.</p> <p>11 Q. So it's about 6 a.m. to 5 p.m.?</p> <p>12 A. Yes, ma'am.</p> <p>13 Q. And how far do those grandmothers live from</p> <p>14 where you reside?</p> <p>15 A. My mother lives about ten minutes away, and</p> <p>16 my husband's mother lives here in D.C., so about an</p> <p>17 hour.</p> <p>18 Q. When did this arrangement with the</p> <p>19 grandmother childcare, I'll call it that, begin? When</p> <p>20 did that start?</p> <p>21 A. I want to say approximately 11 weeks ago</p> <p>22 when my husband started for Metro.</p> <p>23 Q. So for the period of time between when</p> <p>24 Peyton was born and about 11 weeks ago when he started</p> <p>25 having some care during the day from his grandmothers,</p>	<p>1 A. About 5 p.m. to 1 p.m. -- I mean 5 p.m. to</p> <p>2 1 a.m. Excuse me.</p> <p>3 Q. 1 a.m., great, okay. Just trying to make</p> <p>4 sure we're on the same page.</p> <p>5 So he was working the night shift?</p> <p>6 A. Yes.</p> <p>7 Q. Is he working the night shift currently</p> <p>8 with Metro?</p> <p>9 A. It fluctuates, because he's still in his 90</p> <p>10 days in training. So he doesn't really have a set</p> <p>11 schedule yet.</p> <p>12 Q. And what is his commute like now that he's</p> <p>13 working for Metro?</p> <p>14 A. It's about -- it's the same. It's about 45</p> <p>15 minutes to an hour.</p> <p>16 Q. Prior to 11 weeks ago when you began using</p> <p>17 the grandmothers' help for caring for Peyton during</p> <p>18 the day, did you have any other adult help while you</p> <p>19 were working or in school for watching Peyton? So did</p> <p>20 you have any babysitters, someone from the</p> <p>21 neighborhood who would come, like a nanny?</p> <p>22 A. No, just my husband.</p> <p>23 Q. Just you and your husband?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. When your husband was working for</p>
<p style="text-align: center;">Page 23</p> <p>1 were you primarily responsible for his childcare?</p> <p>2 A. Yes.</p> <p>3 Q. So there was a period of time when you were</p> <p>4 working full-time for BlueCross BlueShield, doing</p> <p>5 full-time studies at Strayer University, and having</p> <p>6 full childcare responsibilities as well?</p> <p>7 A. Yes. Yes.</p> <p>8 Q. Prior to your husband joining Metro, what</p> <p>9 was the company you said he worked for?</p> <p>10 A. Circulator First Transit is the actual...</p> <p>11 Q. Where was that located?</p> <p>12 A. Here in D.C.</p> <p>13 Q. And you said that's about an hour from your</p> <p>14 home?</p> <p>15 A. Yes.</p> <p>16 Q. What kind of hours did he work when he was</p> <p>17 at Circulator First Transit?</p> <p>18 A. He worked evening hours.</p> <p>19 Q. And what does that mean?</p> <p>20 A. So that was like 5 to 1.</p> <p>21 Q. 5 p.m. to 1 a.m.?</p> <p>22 A. Yeah, 5 p.m. to 1 p.m. and on the weekends</p> <p>23 8 p.m. to 4 a.m.</p> <p>24 Q. I want to make sure I got the first --</p> <p>25 during the weekdays, when was it?</p>	<p style="text-align: center;">Page 25</p> <p>1 Circulator and he was working the night shift, when</p> <p>2 would he sleep?</p> <p>3 A. Never. That's the truth. He literally was</p> <p>4 working 20 hours a day at a point, like going from one</p> <p>5 job to the next because he was doing Metro at the same</p> <p>6 time.</p> <p>7 So he would get home around 2:00 in the</p> <p>8 morning, go to sleep maybe around 3:00, be up again by</p> <p>9 4:30, 5:00 so he could be out to take Peyton by 6.</p> <p>10 Q. To take him to --</p> <p>11 A. His grandmom's house.</p> <p>12 Q. The grandmothers. But before --</p> <p>13 A. Before that, before that, he was -- he was</p> <p>14 still working two jobs, so he was still having the</p> <p>15 same amount of sleep, get home around 1:30 or get home</p> <p>16 around 2:00, be asleep by 3:00, up by 4:30, 5:00, so</p> <p>17 he can go to Metro.</p> <p>18 Q. So before he was working at Metro when he</p> <p>19 was working at Circulator, was he working another job</p> <p>20 as well?</p> <p>21 A. He was working overtime at Circulator.</p> <p>22 Sometimes working double shifts.</p> <p>23 Q. And when you say "double shifts," you mean</p> <p>24 he would work the night shift and the day shift?</p> <p>25 A. Yes, ma'am.</p>

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<p>1 Q. Is he doing that also now that he's working 2 at Metro?</p> <p>3 A. No. Now he's just working one job.</p> <p>4 Q. Why the switch 11 weeks ago to have the 5 grandmother care?</p> <p>6 A. Because my husband was no longer going to 7 be able to be there during the day and his schedule 8 was going to be unpredictable. So in order for me to 9 be able to work and be productive, I needed someone -- 10 I needed help because I couldn't -- Peyton is three 11 now, so it's not like I could lay him down for a nap. 12 He's running all -- he's very, very active. So he 13 needed to be with other adults, other children, so we 14 decided to try to do that.</p> <p>15 Q. When he was -- when your husband was 16 working at Circulator, how frequently was he working 17 overtime so he was doing double shifts?</p> <p>18 A. He would work overtime Thursday, Fridays, 19 and Saturdays. So mostly on Fridays and Saturdays, he 20 would go in around -- he would go in around maybe 8:30 21 in the morning and work until 4:30 in the morning.</p> <p>22 Q. And then he'd have an hour commute home?</p> <p>23 A. Mm-hmm. Yes. I'm sorry.</p> <p>24 Q. Thank you. You remember well from your 25 last deposition to give oral responses.</p>	<p>1 miss something.</p> <p>2 Q. And what time is bedtime for him at your 3 house?</p> <p>4 A. I try 8:00.</p> <p>5 Q. P.m.?</p> <p>6 A. P.m., yes. That's my goal.</p> <p>7 Q. And when is, realistically, when he sets 8 his head down to sleep?</p> <p>9 A. Around 9:30-ish, 10:00, depends on what 10 time his dad gets in the house sometimes, because 11 sometimes I can't get him to go to sleep until he sees 12 his dad.</p> <p>13 Q. Sure. And so when is he sleeping until 14 once he goes to sleep? When does he wake up?</p> <p>15 A. He'll sleep until he gets to his grandmom's 16 house, because we don't really wake him up in the 17 morning. We just take him out of the bed and take him 18 straight to his grandmom's house so we don't wake him 19 up.</p> <p>20 So he sleeps through the night until he gets to 21 his grandmom's house, and she will do whatever she 22 does.</p> <p>23 Q. Does he still nap?</p> <p>24 A. Yes.</p> <p>25 Q. About how long?</p>
Page 27	Page 29
<p>1 A. Yes, ma'am.</p> <p>2 Q. I appreciate that. Thank you.</p> <p>3 So we talked a little bit about your husband's 4 sleep. Let's talk a quick minute about your sleep 5 between your work and your childcare responsibilities.</p> <p>6 When Peyton came home from the hospital, did he 7 sleep through the night?</p> <p>8 A. At -- yeah, he was a pretty good baby.</p> <p>9 Q. He was a pretty good baby? Were you 10 breastfeeding?</p> <p>11 A. Yes.</p> <p>12 Q. And did you have to get up in the night to 13 feed him?</p> <p>14 A. Yes.</p> <p>15 Q. How frequently approximately at the 16 beginning?</p> <p>17 A. About every three hours. I would actually 18 have to wake him up to feed him.</p> <p>19 Q. Has Peyton stayed a good sleeper?</p> <p>20 A. No.</p> <p>21 Q. You laughed and said that. So what do you 22 mean by that?</p> <p>23 A. No, now -- now it's -- I mean, once he goes 24 to sleep, it's fine. It's just a struggle to get him 25 to go to sleep just because he thinks he's going to</p>	<p>1 A. About an hour and a half, two hours 2 depending.</p> <p>3 Q. Once a day or twice a day?</p> <p>4 A. Once a day.</p> <p>5 Q. On the weekends also?</p> <p>6 A. No.</p> <p>7 Q. Okay. So that's just during the weekday?</p> <p>8 A. Yeah, just on the weekday. I let him have 9 free time during the weekend, unless he's tired. If 10 he's tired, I don't stop him from taking a nap, but I 11 don't force naps on weekend.</p> <p>12 Q. When were you most recently treated by a 13 doctor for anything?</p> <p>14 A. I'm treated by a doctor now. The last time 15 I went to the doctor --</p> <p>16 Q. Correct.</p> <p>17 A. -- was, I want to say, August 1st maybe --</p> <p>18 Q. For what?</p> <p>19 A. -- August 2nd. I went to see my 20 psychologist, Dr. Donato.</p> <p>21 Q. Why?</p> <p>22 A. He's my psychologist and I speak to him 23 often, and it was time to review my FMLA.</p> <p>24 Q. You say you speak to him often. Are you 25 talking by telephone, in person?</p>

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1	A. Both.	1 A. No.
2	Q. How frequently do you speak to Dr. Donato?	2 Q. And you understand, when I use the phrase
3	A. Sometimes, depending on how much I need	3 "ob/gyn," I mean obstetrician/gynecologist?
4	him, twice a week sometimes or twice a month. It	4 A. Yes, ma'am.
5	depends. It just really depends. I don't really have	5 Q. It's okay with you if I use the term
6	a set time to talk to him.	6 ob/gyn?
7	Q. How do you arrange speaking with him?	7 A. Yes, ma'am.
8	A. I can just call the front desk and just let	8 Q. It's a little easier for me to say, so I
9	them know that I need to speak to him, and he'll	9 appreciate that.
10	either call me back or we can set up an appointment.	10 Do you have a primary care physician?
11	Q. Dr. Donato works in a practice?	11 A. I have one assigned to me from my
12	A. Yes.	12 insurance. Do I see her? No.
13	Q. And they have a reception area, it sounds	13 Q. What do you mean you have one assigned to
14	like?	14 you from your insurance?
15	A. Yes.	15 A. So I have an HMO, so they have to assign
16	Q. Where is Dr. Donato's office located?	16 you a primary care physician through the insurance.
17	A. In 600 Post Office Road in Waldorf,	17 Q. And who is your primary care physician
18	Maryland.	18 assigned to you from your HMO?
19	Q. How far is that from your home?	19 A. Dainty Jackson.
20	A. About five minutes.	20 Q. Have you ever seen Dr. Jackson?
21	Q. When did you first start seeing Dr. Donato?	21 A. I saw her once, yes.
22	A. I don't remember the exact date. I want to	22 Q. When was that?
23	say it was like April of '18 maybe. I can't really	23 A. Maybe September of '17 maybe. I really
24	remember the month, but it was 2018.	24 don't remember.
25	Q. Around spring of 2018?	25 Q. Do you remember your purpose for visiting
	Page 31	Page 33
1	A. Spring or summer, somewhere around there,	1 with Dr. Jackson?
2	2018.	2 A. I needed blood work for medication
3	Q. Besides Dr. Donato, are you currently under	3 management.
4	the care of any physicians?	4 Q. Blood work from medication management by
5	A. Yes, I'm also seeing Ebony Cross. She is a	5 whom?
6	psychiatrist and medication management.	6 A. From -- at the time I was seeing Shanda --
7	Q. How often do you see Dr. Cross?	7 what was her name? My goodness.
8	A. Once a month.	8 Q. Would that be Dr. Smith?
9	Q. Is that a regularly scheduled appointment?	9 A. Shanda Smith from Kaiser.
10	A. Well, we schedule it at the end of each	10 Q. Are you still seeing Dr. Smith?
11	appointment, so it's not like a set date.	11 A. No.
12	Q. So you'll schedule it out the next time	12 Q. When did you start seeing Dr. Smith, do you
13	each time you're there?	13 recall?
14	A. Yes.	14 A. February -- I don't know if it was '17 or
15	Q. And do you physically go see Dr. Cross in	15 '18. I don't remember the year, ma'am. I'm sorry.
16	person?	16 Q. Do you remember when you stopped seeing
17	A. Yes.	17 Dr. Smith?
18	Q. You mentioned medication management from	18 A. It was in -- so I want to say it was '18,
19	Dr. Cross. Does Dr. Donato prescribe you medication	19 because I started -- stopped seeing her right before I
20	as well?	20 started seeing Dr. Donato, which was in, like, June --
21	A. No, he cannot prescribe medication.	21 April, June-ish.
22	Q. Besides Dr. Donato and Dr. Cross, are you	22 Q. So I just want to make sure that I'm
23	presently under the care of any other physicians?	23 understanding. So are you saying you believe you
24	A. No.	24 started seeing Dr. Smith approximately in February
25	Q. Do you currently have an ob/gyn?	25 2018?

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<p>1       A. Mm-hmm.</p> <p>2       Q. That's correct?</p> <p>3       A. Yes. Yes. I'm sorry. Yes.</p> <p>4       Q. And you made the decision to switch from</p> <p>5     Dr. Smith to Dr. Donato; is that correct?</p> <p>6       A. My insurance changed, so I had to.</p> <p>7       Q. Was it an issue of having a physician in</p> <p>8     network?</p> <p>9       A. Correct. We were using my husband's</p> <p>10    insurance at first and he had Kaiser, so we had to use</p> <p>11    Kaiser.</p> <p>12      Q. And then you switched insurance?</p> <p>13      A. Yes, through my own employer.</p> <p>14      Q. I presume that was BlueCross BlueShield</p> <p>15    Insurance?</p> <p>16      A. Yes, ma'am.</p> <p>17      Q. Okay. Were you covered by insurance when</p> <p>18    you delivered Peyton?</p> <p>19      A. I had Medicaid.</p> <p>20      Q. Even though you were working for</p> <p>21    BlueCross BlueShield?</p> <p>22      A. I was a temp at the time.</p> <p>23      Q. Ah. Okay. So when you first started</p> <p>24    working for BlueCross BlueShield, were you a full-time</p> <p>25    employee?</p>	<p>1       Q. I have it marked down that you were married</p> <p>2     on December 31st, 2015. Is that not correct?</p> <p>3       A. Mm-hmm.</p> <p>4       Q. That is correct?</p> <p>5       A. Correct.</p> <p>6       Q. So you were married to your husband in</p> <p>7     December 2015?</p> <p>8       A. Right, and had Peyton in March of '16.</p> <p>9       Q. And you had him in March of '16?</p> <p>10      A. Right. I was seven months pregnant when we</p> <p>11    got married.</p> <p>12      Q. I see. I want to back up a minute, because</p> <p>13    I got a little off on to a different topics. Back to</p> <p>14    doctors you're currently being treated by.</p> <p>15      So you mentioned that you're currently being</p> <p>16    treated by Drs. Donato and Cross.</p> <p>17      A. Yes.</p> <p>18      Q. And you technically have a primary care</p> <p>19    physician assigned to you, but you do not go to</p> <p>20    Dr. Jackson for treatment; is that correct?</p> <p>21      A. Correct.</p> <p>22      Q. Are you currently being seen by any other</p> <p>23    physicians?</p> <p>24      A. No.</p> <p>25      Q. In the time between when you had Peyton and</p>
<p style="text-align: center;">Page 35</p> <p>1       A. So I started as a temp in June.</p> <p>2       Q. Of what year?</p> <p>3       A. Of 2015. I became permanent in January of</p> <p>4     2016, but my benefits didn't kick in until April of</p> <p>5     2016.</p> <p>6       Q. So when you had Peyton, you were a</p> <p>7     full-time employee and not a temp, but you didn't have</p> <p>8     your benefits accruing yet?</p> <p>9       A. Correct.</p> <p>10      Q. Okay. And then did you switch from being</p> <p>11    on BlueCross BlueShield to being on your husband's</p> <p>12    insurance?</p> <p>13      A. No.</p> <p>14      Q. Can you explain how that worked?</p> <p>15      A. So -- so I went to my -- I went to my</p> <p>16    husband's insurance, because we weren't -- we weren't</p> <p>17    married when I got pregnant with Peyton, so I needed</p> <p>18    my own insurance. So I was on Medicaid. Once we got</p> <p>19    married and Peyton came, then we -- then I went to my</p> <p>20    husband's insurance, and then I switched to</p> <p>21    BlueCross BlueShield.</p> <p>22      Q. I see. When was Peyton born?</p> <p>23      A. In March of '16.</p> <p>24      Q. When in March of '16?</p> <p>25      A. March 17. Excuse me.</p>	<p style="text-align: center;">Page 37</p> <p>1     now, have you seen any other physicians besides</p> <p>2    Dr. Smith we just talked about?</p> <p>3       A. Besides going to the ER?</p> <p>4       Q. We'll get to that in one quick second.</p> <p>5       A. No.</p> <p>6       Q. And you mentioned going to the ER. When</p> <p>7    did you go to the emergency room?</p> <p>8       A. It was before the last deposition. So I</p> <p>9    want to say maybe March of '19.</p> <p>10      Q. For what reason did you go to the emergency</p> <p>11    room?</p> <p>15      Q. Did that visit to the emergency room result</p> <p>16    in an overnight stay at the hospital?</p> <p>17      A. No.</p> <p>18      Q. And did you have an ob/gyn in March of</p> <p>21    ob/gyn.</p> <p>21      Q. And did you have an ob/gyn in March of</p> <p>22    2019?</p> <p>23      A. No.</p> <p>24      Q. Did you actually go see an ob/gyn for</p> <p>25    treatment in March of 2019?</p>

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1	A. No.	1 Q. When did you stop being a patient of
2	Q. Did you have health insurance in March of	2 Dr. Moore's?
3	2019?	3 A. After I had my son, so -- I never went
4	A. Yes.	4 back.
7	A. Yes.	5 Q. When you say you never went back, what do
8	Q. Besides going to the emergency room in	6 you mean?
9	[REDACTED]	7 A. After I had my child, I never went back to
13	A. No.	8 that practice.
14	Q. Prior to giving birth to Peyton, what	9 Q. The other doctor you mentioned in
15	physicians were you treated by?	10 Dr. Moore's practice who you were seen by, that was a
16	A. Javaka Moore was my OB, and I really didn't	11 woman doctor, you said?
17	have a primary care. Everything was basically done	12 A. Yes. I think it was -- her first name was
18	through the ob/gyn.	13 Donna. I'm not one hundred percent sure. Caucasian
19	Q. When did Dr. Moore become your ob/gyn?	14 lady.
20	A. In June of 2015.	15 Q. Donna, you said?
21	Q. And pardon me for not knowing this, but is	16 A. I think.
22	Dr. Moore a woman or a man?	17 Q. Thank you.
23	A. A man.	18 A. Diane, Donna, something like that.
24	Q. Did you see Dr. Moore prior to becoming	19 Q. Probably started with a D?
25	pregnant with Peyton?	20 A. It definitely started with a D.
		21 Q. How did you come to be a patient of
		22 Dr. Moore's?
		23 A. It was assigned by Medicaid.
		24 Q. When you say that Dr. Moore was assigned by
		25 Medicaid, do you mean Dr. Moore in particular or
	Page 39	Page 41
1	A. No.	1 Dr. Moore's practice?
2	Q. How far along in your pregnancy with Peyton	2 A. Dr. Moore's practice.
3	did you become a patient of Dr. Moore's?	3 Q. Do you know how many doctors were in
4	A. Seven weeks?	4 Dr. Moore's practice?
5	Q. When you saw him, was Dr. Moore a member of	5 A. I do not.
6	a medical practice?	6 Q. Do you know if Dr. Moore's practice was
7	A. Yes.	7 affiliated with any hospitals?
8	Q. Were you ever treated by any other doctors	8 A. I do not. Well, I'm lying. I'm lying. So
9	in Dr. Moore's practice?	9 during the -- not lying.
10	A. No.	10 I'm sorry. That was wrong. I didn't mean to
11	Q. Were you ever seen by any doctors other	11 say it.
12	than Dr. Moore in his practice?	12 So during the time that they were setting up
13	A. Yes, but I don't know her name.	13 my -- my induction --
14	Q. And when you say you were seen by her, did	14 Q. Yep.
15	you have an appointment and she covered that	15 A. -- they were saying that he was affiliated
16	appointment?	16 with Dimensions Hospital, but I didn't know that prior
17	A. Yes.	17 to that.
18	Q. Did you ever see any other medical	18 Q. Thank you. So when you said that when they
19	professionals in connection with your pregnancy? And	19 were setting up the induction, who do you mean they
20	what I mean is somebody like a midwife or a doula.	20 were?
21	A. No.	21 A. Like the front desk at the doctor's office.
22	Q. Do you know what a doula is?	22 Q. At Dr. Moore's office?
23	A. Yes, ma'am.	23 A. Yes.
24	Q. Do you know what a midwife does?	24 Q. Is it fair to say that, when you were
25	A. Yes, ma'am.	25 setting up your induction at Dr. Moore's office, they

Page 42	Page 44
<p>1 explained to you that you would be induced at Prince 2 George's Hospital?</p> <p>3 A. Correct.</p> <p>4 Q. When you were setting up your induction 5 with Dr. Moore's practice, did they tell you what 6 physician would be doing your induction?</p> <p>7 A. I was under the impression it would be 8 Dr. Moore.</p> <p>9 Q. Did they tell you, though --</p> <p>10 A. No.</p> <p>11 Q. -- who it would be?</p> <p>12 A. But I was under the impression it would be 13 Dr. Moore.</p> <p>14 Q. What time of day, if you remember, were you 15 scheduled to have your induction?</p> <p>16 A. I was scheduled at 8 a.m.</p> <p>17 Q. Do you remember what day of the week it 18 was?</p> <p>19 A. I want to say maybe a Thursday.</p> <p>20 Q. Having looked at your medical records, is 21 it correct that you did actually go to Prince George's 22 Hospital to be induced?</p> <p>23 A. Yes.</p> <p>24 Q. And was that at the scheduled time that you 25 had arranged with Dr. Moore's office?</p>	<p>1 Q. And was that while you were pregnant with 2 your son?</p> <p>3 A. What?</p> <p>4 Q. The time period we're talking about.</p> <p>5 A. Yes.</p> <p>6 Q. Prior to being pregnant with your son, have 7 you ever been treated by a psychologist or a 8 psychiatrist?</p> <p>9 A. No.</p> <p>10 Q. When your insurance set you up with 11 Dr. Moore's practice, how did Dr. Moore come to be 12 your physician in particular?</p> <p>13 MR. CERYES: Objection, foundation.</p> <p>14 You can answer.</p> <p>15 A. Huh?</p> <p>16 MR. CERYES: You can answer.</p> <p>17 A. Oh. He just came in the room. I wasn't -- 18 I didn't ask for him or anything. He just was the 19 doctor assigned to me at the practice.</p> <p>20 Q. Did you do any research into the physicians 21 at the practice Dr. Moore was a part of?</p> <p>22 A. No.</p> <p>23 Q. Did you do any research into Dr. Moore's 24 credentials or background?</p> <p>25 A. No.</p>
<p style="text-align: center;">Page 43</p> <p>1 A. No. They called me and rescheduled me to a 2 later time.</p> <p>3 Q. How much later?</p> <p>4 A. Two.</p> <p>5 Q. Two days?</p> <p>6 A. No, at 2:00.</p> <p>7 Q. Oh, 2:00 in the afternoon?</p> <p>8 A. Yeah, because they were -- they were saying 9 they were going to call me and let me know, but I was 10 already two weeks past due at that time, so I wasn't 11 having that. So I said I'll just come up there and 12 sit and wait until you guys are ready.</p> <p>13 Q. So did you go at 2 p.m. to be induced?</p> <p>14 A. I went around 11:30, so I sat there until 15 they took me back.</p> <p>16 Q. At Prince George's Hospital?</p> <p>17 A. At Prince George's Hospital.</p> <p>18 Q. Aside from Dr. Moore, who you mentioned 19 having been treated by prior to delivering Peyton, 20 were you under the care of any other physicians or 21 psychiatrists at the time?</p> <p>22 A. No.</p> <p>23 Q. Any psychologists you were being treated 24 by?</p> <p>25 A. No.</p>	<p style="text-align: center;">Page 45</p> <p>1 Q. Did you do any research into Dr. Moore's 2 educational history?</p> <p>3 A. No.</p> <p>4 Q. Did you do any research into whether 5 Dr. Moore was board certified?</p> <p>6 A. No.</p> <p>7 Q. Did you talk to any of his other patients, 8 Dr. Moore's?</p> <p>9 A. No.</p> <p>10 Q. Prior to having Dr. Moore as your 11 physician, had you ever previously been treated by an 12 ob/gyn?</p> <p>13 A. Previously?</p> <p>14 Q. Yeah.</p> <p>15 A. Like anytime in my life?</p> <p>16 Q. Anytime in your life.</p> <p>17 A. Yes.</p> <p>18 Q. And who was that?</p> <p>19 A. I don't remember their names.</p> <p>20 Q. Okay. But other ob/gyn's previously in 21 your life?</p> <p>22 A. Mm-hmm. Yes, ma'am.</p> <p>23 Q. Do you remember doing any research into any 24 of their credentials or educational background?</p> <p>25 A. No.</p>

<p style="text-align: center;">Page 46</p> <p>1 Q. Do you remember doing any research into any 2 of their certifications or whether they were a member 3 of any board?</p> <p>4 A. No.</p> <p>5 Q. It sounded like before Dr. Moore you had 6 seen more than one ob/gyn previously; is that correct?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. Can you estimate for me about how many you 9 think you've seen over the course of your life?</p> <p>10 A. Maybe two.</p> <p>11 Q. Do you remember if they were male 12 physicians or woman physicians?</p> <p>13 A. Women physicians.</p> <p>14 Q. Both women physicians?</p> <p>15 A. (Nodding head up and down.)</p> <p>16 Q. Having had another moment to think about 17 it, do you remember either of their names?</p> <p>18 A. No. I do know that Dr. Moore is the only 19 male ob/gyn I've ever had. That I can attest to.</p> <p>20 Q. Do you remember any medical practice or 21 hospital that those two prior ob/gyn's were affiliated with?</p> <p>22 A. No.</p> <p>23 Q. Prior to delivering Peyton, had you been 24 pregnant previously?</p>	<p style="text-align: center;">Page 48</p> <p>1 about from March 2019 and the [REDACTED] 2 about a year before you had Peyton, have you ever 3 otherwise been treated in an emergency room?</p> <p>4 A. Oh, yes. I'm sorry. [REDACTED]</p> <p>5 Q. [REDACTED] you said?</p> <p>6 A. Yes, the [REDACTED] [REDACTED] I'm sorry. I 8 forgot about that.</p> <p>9 Q. Did you go to the emergency room for that?</p> <p>10 A. I did.</p> <p>11 Q. That was May of 2019?</p> <p>12 A. Mm-hmm. Yes.</p> <p>13 Q. Were you treated by a physician then?</p> <p>14 A. Yes.</p> <p>15 Q. What kind of treatment did they give you 16 for [REDACTED] 17 [REDACTED]</p>
<p style="text-align: center;">Page 47</p> <p>[REDACTED]</p> <p>4 Q. And were you treated by an ob/gyn during 5 that experience?</p> <p>[REDACTED]</p> <p>8 Q. Did you have a specific ob/gyn attending to 9 you?</p> <p>10 A. I mean, not that I can remember. I wasn't 11 going to an office, no, at that time. [REDACTED]</p> <p>[REDACTED]</p> <p>13 Q. Did you go to the emergency room?</p> <p>14 A. I did.</p> <p>15 [REDACTED]</p> <p>17 A. Right.</p> <p>[REDACTED]</p> <p>22 Q. Do you remember when that occurred?</p> <p>23 A. Approximately one year prior to having 24 Peyton.</p> <p>25 Q. Aside from the [REDACTED] you testified</p>	<p style="text-align: center;">Page 49</p> <p>1 A. Yes.</p> <p>2 Q. So aside from the [REDACTED] the 3 [REDACTED] and the [REDACTED] have you otherwise 4 ever gone to the emergency room for yourself?</p> <p>5 A. Not that I can remember.</p> <p>6 Q. Did you go to the emergency room for 7 falling down the steps?</p> <p>8 A. I did.</p> <p>9 Q. Can you tell me about that?</p> <p>10 A. I'm sorry. That was in 2014 or '15. I 11 fell down the steps, and I had a ruptured disc, I 12 believe. I was in the hospital for a week.</p> <p>13 Q. Was that a back injury?</p> <p>14 A. Back injury, yes.</p> <p>15 Q. Where were you when you fell down the 16 steps?</p> <p>17 A. I was at home. I was living in Oxon Hill 18 at the time.</p> <p>19 Q. This is a different home than where you 20 live now?</p> <p>21 A. Yes.</p> <p>22 Q. Were those interior steps or exterior 23 steps?</p> <p>24 A. Interior steps.</p> <p>25 Q. Were those carpeted or was there other kind</p>

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<p>1 of material on them?</p> <p>2 A. No, just a wooden step.</p> <p>3 Q. So hardwood?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. In the home you live now, is that where</p> <p>6 you've lived since you had Peyton?</p> <p>7 A. No, we moved. We bought that house in</p> <p>8 April.</p> <p>9 Q. Of what year?</p> <p>10 A. I'm sorry, ma'am.</p> <p>11 Q. It's okay.</p> <p>12 A. 2018. We've been there for a little bit</p> <p>13 over a year.</p> <p>14 Q. And did you move directly from the place</p> <p>15 you had lived when you fell down the steps to where</p> <p>16 you live now?</p> <p>17 A. No. So we lived in a place where I fell</p> <p>18 down the steps, and then we moved to Waldorf, which</p> <p>19 was -- do you need the address?</p> <p>20 Q. If you would just describe it so I can talk</p> <p>21 about it generally, that's fine.</p> <p>22 A. Holly Station. Moved there, stayed there</p> <p>23 for about a year, and then we moved in with my mother,</p> <p>24 which was also in Waldorf.</p> <p>25 Q. Is that where you reside now?</p>	<p>1 Q. Townhouse also? What kind of covering are</p> <p>2 there on the steps?</p> <p>3 A. Wood.</p> <p>4 Q. And where you live now, is that an</p> <p>5 apartment, a townhouse?</p> <p>6 A. A house.</p> <p>7 Q. And are there interior steps?</p> <p>8 A. Yes.</p> <p>9 Q. And what are those covered with?</p> <p>10 A. Carpet.</p> <p>11 Q. Going back to your fall, and you said that</p> <p>12 was in 2014 or 2015; is that correct?</p> <p>13 A. Mm-hmm, yes.</p> <p>14 Q. Do you remember what time of year it was?</p> <p>15 A. I don't. I don't want to make up anything.</p> <p>16 I just want to say between July and September maybe.</p> <p>17 Q. Of which year, do you remember?</p> <p>18 A. No, I don't. 2014, '15, somewhere around</p> <p>19 there.</p> <p>20 Q. And you mentioned you were hospitalized for</p> <p>21 five days; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And did you only injure your back during</p> <p>24 that fall?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">Page 51</p> <p>1 A. No. We stayed --</p> <p>2 Q. So you moved again?</p> <p>3 A. We stayed there for about a year, and then</p> <p>4 we moved to where I live now.</p> <p>5 Q. And that's about a five-, ten-minute drive</p> <p>6 from your house now, you said?</p> <p>7 A. Yes.</p> <p>8 Q. In which of those homes did you live when</p> <p>9 you delivered Peyton?</p> <p>10 A. In Holly Station.</p> <p>11 Q. Was it a house or an apartment?</p> <p>12 A. Apartment -- a townhouse.</p> <p>13 Q. Did it have steps?</p> <p>14 A. Yes.</p> <p>15 Q. And what was the covering, if any, on those</p> <p>16 steps?</p> <p>17 A. Carpet.</p> <p>18 Q. Carpet. And how many floors was the Holly</p> <p>19 Station home?</p> <p>20 A. Two.</p> <p>21 Q. And your mother's home, does it have</p> <p>22 interior steps?</p> <p>23 A. Yes.</p> <p>24 Q. Is it a standalone house?</p> <p>25 A. It's a townhouse also.</p>	<p style="text-align: center;">Page 53</p> <p>1 Q. What kind of treatment did you receive for</p> <p>2 your back?</p> <p>3 A. They really didn't treat me at all. They</p> <p>4 just kept me there under observation and gave me a lot</p> <p>5 of medication, and then gave me PT while I was there.</p> <p>6 Q. And by "PT" do you mean physical therapy?</p> <p>7 A. Physical therapy, yes.</p> <p>8 Q. Did you do physical therapy after you left?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. I didn't have any insurance, I don't think,</p> <p>12 at that time.</p> <p>13 Q. Did you do any follow-up visits with anyone</p> <p>14 about your back?</p> <p>15 A. I had one follow-up visit, and that was so</p> <p>16 I can return to work.</p> <p>17 Q. Okay. So that was to get permission to go</p> <p>18 to work?</p> <p>19 A. Yes.</p> <p>20 Q. Because at that time you were working in an</p> <p>21 office setting, correct?</p> <p>22 A. Correct.</p> <p>23 Q. When you were discharged from the hospital</p> <p>24 from your back injury, did they recommend to you that</p> <p>25 you continue doing physical therapy?</p>

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1 A. I don't recall. I don't recall.	1 impacts on your schedule, so how many hours a week
2 Q. When you were discharged from the hospital	2 maybe or in a day.
3 after your back injury, did you continue taking	3 A. Okay. So I'm scheduled for eight hours of
4 medication?	4 FMLA a day three days a week, so 24 hours a week of
5 A. The medication that was prescribed to me,	5 FMLA.
6 yes.	6 Q. And who -- have you seen a doctor in
7 Q. Do you recall how long after you left the	7 connection with getting paperwork relating to that?
8 hospital you continued to take medication relating to	8 A. Mm-hmm, Dr. Donato.
9 your back injury?	9 Q. When did you first get that FMLA leave from
10 A. I don't know. Maybe, I don't know, 30 days	10 Dr. Donato?
11 maybe, I'm not -- I'm not 100 percent sure.	11 A. June, maybe June of last year, June of
12 Q. Are you still on medication relating to	12 2018, I'm assuming.
13 your back injury?	13 Q. Around that summertime?
14 A. No.	14 A. Yes, ma'am.
15 Q. When you were pregnant with Peyton, were	15 Q. Prior to that, were you on FMLA leave?
16 you on medication relating to your back injury?	16 A. No.
17 A. No.	17 Q. Prior to the FMLA leave that you're on now
18 Q. When you were pregnant with Peyton, were	18 for which you've gotten paperwork from Dr. Donato,
19 you on any medication?	19 have you ever been on FMLA leave?
20 A. No. [REDACTED] does that count?	20 A. No.
21 Q. Anything you were on.	21 Q. Are you currently on any ADA leave?
22 A. Progesterone, yes.	22 A. Yes.
23 Q. And what were you being treated for?	23 Q. Can you tell me about that?
[REDACTED]	24 A. ADA is the reason why I work from home. So
	25 they afford me the opportunity to, you know, work from
Page 55	Page 57
1 A. Yes.	1 home and not have to travel into the office.
2 [REDACTED]	2 Q. Is that the accommodation you have through
3 [REDACTED]	3 the ADA?
4 A. No.	4 A. Yes.
5 Q. Any other emergency room visits in your	5 Q. Do you have any other accommodations
6 life that you remember having had other than the ones	6 through the ADA?
7 you've talked about already today?	7 A. No.
8 A. Not that I can recall. I really don't	8 Q. Do you have any doctor paperwork that you
9 remember.	9 had to get in order to have that accommodation awarded
10 Q. Any other hospitalizations that you've ever	10 to you?
11 had other than for delivering Peyton and relating to	11 A. Yes.
12 your back injury you've already testified about?	12 Q. And from who?
13 A. No.	13 A. Dr. Donato.
14 Q. Have you ever taken FMLA leave?	14 Q. When did you get that?
15 A. Yes.	15 A. Excuse me. Sorry. Around the same time.
16 Q. Are you presently taking any leave for	16 Q. At the same visit?
17 FMLA?	17 A. Yeah.
18 A. Yes.	18 Q. Prior to the ADA leave that you just
19 Q. Could you explain to me what you're taking	19 described, had you ever been on ADA leave before?
20 for FMLA at the present time?	20 A. No.
21 A. I have, like my condition, the reason why	21 Q. Had you ever had any ADA accommodations
22 I'm --	22 before?
23 Q. Well, I'm first asking about how that	23 A. No, ma'am.
	24 Q. We discussed a little bit earlier today
	25 that you've been deposed in a matter concerning

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<p>1 Dimensions. Do you remember that?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. And it's fair to say you were a plaintiff</p> <p>4 in that matter?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Aside from that lawsuit and aside from this</p> <p>7 lawsuit, have you ever been involved in any other</p> <p>8 lawsuit?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Have you ever sued anybody other than ECFMG</p> <p>11 and Dimensions?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Have you ever been a defendant in any</p> <p>14 lawsuit?</p> <p>15 A. No, ma'am.</p> <p>16 Q. Have you ever been a defendant in any</p> <p>17 criminal matters?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Have you ever been a witness in any civil</p> <p>20 or criminal matters that you went to testify like at a</p> <p>21 trial or a hearing?</p> <p>22 A. No, ma'am.</p> <p>23 Q. In the Dimensions litigation, is it fair to</p> <p>24 say that, just like in this litigation, you're what</p> <p>25 you would consider a Class representative?</p>	<p>1 Q. Aside from a lawsuit, have you ever made a</p> <p>2 claim for injury against anybody, any business, any</p> <p>3 workplace?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Any person?</p> <p>6 A. No.</p> <p>7 Q. Have you ever made a workers' compensation</p> <p>8 claim?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Have you ever suffered an injury at work?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Have you ever suffered, aside from the</p> <p>13 issues involved in this litigation, have you ever</p> <p>14 suffered any physical, emotional, or sexual abuse from</p> <p>15 any person?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Have you ever been the victim of a crime?</p> <p>18 A. No, ma'am.</p> <p>19 Q. I would like to hand you what I'm going to</p> <p>20 mark as Exhibit 1.</p> <p>21 (Exhibit 1 marked for</p> <p>22 identification: Amended Notice of</p> <p>23 Deposition of Plaintiff Desire Evans)</p> <p>24 Q. Have you ever seen this document before?</p> <p>25 A. Yes.</p>
<p>1 A. Yes, ma'am.</p> <p>2 Q. Do you know what that means?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Other than the Dimensions litigation and</p> <p>5 this litigation, have you ever been a Class</p> <p>6 representative?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Have you ever considered being a Class</p> <p>9 representative in any litigation besides Dimensions</p> <p>10 and the ECFMG litigation?</p> <p>11 A. No, ma'am.</p> <p>12 Q. Do you know what the allegations are in the</p> <p>13 litigation against Dimensions?</p> <p>14 A. Yes, ma'am.</p> <p>15 Q. And have you ever reviewed the complaint</p> <p>16 that was filed in that case?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Do you believe the allegations in the</p> <p>19 complaint against Dimensions are true and correct?</p> <p>20 A. Yes, ma'am.</p> <p>21 Q. Have you provided discovery responses in</p> <p>22 the Dimensions litigation?</p> <p>23 A. Yes, ma'am. Yes, ma'am.</p> <p>24 Q. Were those responses true and correct?</p> <p>25 A. Yes, ma'am.</p>	<p>1 Q. And this is the Amended Notice of</p> <p>2 Deposition of Plaintiff Desire Evans. Do you see</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. And that's you?</p> <p>6 A. Yes.</p> <p>7 Q. And you're appearing today pursuant to this</p> <p>8 deposition notice to be deposed?</p> <p>9 A. Yes.</p> <p>10 Q. So like I'm going to do a couple times</p> <p>11 today, we've been going about an hour, so we'll take a</p> <p>12 quick break, if that's okay.</p> <p>13 MR. CERYES: Sounds good.</p> <p>14 VIDEO SPECIALIST: We're going off the</p> <p>15 record at 11:28.</p> <p>16 (Proceedings recessed)</p> <p>17 VIDEO SPECIALIST: We're back on the record</p> <p>18 at 11:39.</p> <p>19 BY MS. MCENROE:</p> <p>20 Q. Ms. Evans, I want to ask you whether you</p> <p>21 have ever been treated by a psychiatrist named</p> <p>22 Dr. Nnamani. Am I saying that correctly?</p> <p>23 A. Yeah.</p> <p>24 Q. Are you currently being treated by</p> <p>25 Dr. Nnamani?</p>

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1	A. No. That was one visit.	1 A. Yes.
2	Q. One visit?	2 [REDACTED]
3	A. One visit.	3 [REDACTED]
4	Q. Okay. And when was that?	4 A. Mm-hmm.
5	A. I was -- I want to say maybe September	5 [REDACTED]
6	of -- had to be '18 because we're in '19 now. I was	6 A. Maybe for the past two years.
7	referred to her by Dr. Donato.	7 Q. When did you get your driver's license?
8	Q. For what purpose?	8 A. When I was 19.
9	[REDACTED]	9 Q. So about 21 years ago?
10	Q. You mentioned you only went to her one	10 A. Tell everybody.
11	time?	11 Q. So you've been -- but you've been driving
12	A. Yes.	12 for over 20 years?
13	Q. Why did you only go to her one time?	13 A. Mm-hmm.
14	[REDACTED]	14 [REDACTED]
15	Q. And did you choose to switch then to a	15 A. No.
16	different physician?	16 [REDACTED] what
17	A. Yes. That's when I switched to Ebony	17 do you mean?
18	Cross.	18 [REDACTED]
19	Q. So it was your choice to switch from	19 [REDACTED]
20	Dr. Nnamani to Dr. Cross?	20 [REDACTED]
21	A. Yes.	21 [REDACTED]
22	Q. What kind of considerations did you take	22 [REDACTED]
23	into account when you were deciding to switch from	23 [REDACTED]
24	[REDACTED]	24 [REDACTED]
25	[REDACTED]	25 [REDACTED]
	Page 63	Page 65
1	Dr. Nnamani to Dr. Cross?	1 [REDACTED]
2	[REDACTED]	2 A. Yes.
3	[REDACTED]	3 Q. You said that began around two years ago?
4	[REDACTED]	4 A. Yeah, about.
5	[REDACTED]	5 Q. Do you have an estimation of more
6	[REDACTED]	6 specifically when?
7	[REDACTED]	7 A. No. No, it's just something that's getting
8	[REDACTED]	8 increasingly worse. I can't really put a time stamp
9	[REDACTED]	9 on the exact time that it started. It's just been
10	[REDACTED]	10 something that's been getting increasingly worse from
11	[REDACTED]	11 [REDACTED]
12	[REDACTED]	12 Q. So including the driving, but more than
13	[REDACTED]	13 that?
14	[REDACTED]	14 A. Yes.
15	[REDACTED]	15 Q. And so you would say you had that to some
16	[REDACTED]	16 extent before two years ago, is that right? [REDACTED]
17	[REDACTED]	17 [REDACTED]
18	[REDACTED]	18 [REDACTED]
19	[REDACTED]	19 [REDACTED]
20	[REDACTED]	20 [REDACTED]
21	[REDACTED]	21 [REDACTED]
22	Q. Is she a woman doctor?	22 [REDACTED]
23	A. Yes.	23 [REDACTED]
24	Q. And Ms. Cross -- sorry. Dr. Cross is a	24 [REDACTED]
25	woman doctor as well?	25 to having had your son?

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1	A. Not that I could identify [REDACTED]	1	Q. You never Googled him?
4	Q. Prior to having your son did you ever have depression?	2	A. Nope.
5		3	Q. Aside from Dr. Cross, you mentioned that
6	A. No.	4	you had done a little bit of research into -- do you
7	Q. Prior to having your son have you ever had	5	know if you ever known where any of your physicians
8	any treatment by any psychiatrist or psychologist?	6	have attended medical school?
9	A. No.	7	A. No.
10	Q. A school counselor?	8	Q. Have you ever asked that you know of?
11	A. About depression?	9	A. No.
12	Q. Or anxiety.	10	Q. Do you know if any of your physicians
13	A. No.	11	you've been treated by have gone to medical school
14	Q. School counselor for anything else?	12	outside of the United States?
15	A. School stuff.	13	A. No.
16	Q. Okay. When you were switching from	14	Q. Do you think some of them could have, you
17	Dr. Nnamani to Dr. Cross, how did you find Dr. Cross?	15	just don't know?
18	A. I found Dr. Cross through another provider	16	A. I can't -- I don't know.
19	within Dr. Donato's office, so -- because she was --	17	Q. You don't know one way or the other?
20	she goes to her. So she told me that I should try her	18	A. Right. Yeah, I wouldn't know to have to
21	out, because she was more of a -- she was -- she just	19	ask that question. I would think that I could take
22	said that she was a good psychiatrist and she	20	them at their word that they have done the things that
23	recommended her.	21	they say they did.
24	Q. Fair to say it was more of like a	22	Q. Right, but you never, like, looked to see
25	word-of-mouth kind of recommendation?	23	did Dr. Moore go to -- I'm making this up -- Johns
		24	Hopkins or Harvard or something?
		25	A. Nope.
	Page 67		Page 69
1	A. Yes.	1	Q. Okay. Do you have any medical doctors in
2	Q. Did you do any research about Dr. Cross	2	your family?
3	before you started going to her?	3	A. I do.
4	A. Nothing besides talking to the people that	4	Q. Who is a medical doctor in your family?
5	I knew that she went to, that go to her, no.	5	A. Terrell Newton.
6	Q. Did you Google her?	6	Q. How is Dr. Newton related to you?
7	A. No. Yeah, I did actually Google her.	7	A. He's my cousin.
8	Q. Did you see where she went to school?	8	Q. On which side, your mom's side or your
9	A. No.	9	dad's side?
10	Q. What did you see when you Googled	10	A. My mom's side.
11	Dr. Cross?	11	Q. An aunt's child or an uncle's child?
12	A. Just the practices that she has.	12	A. Aunt.
13	Q. The areas that she treats?	13	Q. So it's your mom's sister's son?
14	A. Mm-hmm.	14	A. Yep. Yes, ma'am.
15	Q. Anything else?	15	Q. Any other physicians in your family?
16	A. No, ma'am.	16	A. No.
17	Q. Did you do any research into Dr. Donato	17	Q. And what does Dr. Newton's specialize in?
18	before you went to see her?	18	A. He's an anesthesiologist.
19	A. No.	19	Q. Where does he practice?
20	Q. No Googling?	20	A. I don't know. He has his own practice in
21	A. No.	21	Florida for pain management.
22	Q. Did you do any research into Dr. Moore	22	Q. In Florida?
23	either before you saw him or once you started being	23	A. Yeah. I don't know the name of it.
24	treated by him?	24	Q. Do you know where Dr. Newton went to
25	A. No.	25	medical school?

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<p>1 A. North Carolina.</p> <p>2 Q. In the United States?</p> <p>3 A. Yes. What's the school down in North</p> <p>4 Carolina? I can't think of the name of the school.</p> <p>5 It's a school in North Carolina.</p> <p>6 Q. But a medical school in North Carolina?</p> <p>7 A. Mm-hmm.</p> <p>8 Q. And Dr. Newton is not an ob/gyn?</p> <p>9 A. No.</p> <p>10 Q. Are you friends with any other medical</p> <p>11 doctors?</p> <p>12 A. No.</p> <p>13 Q. Are you acquainted with or know anybody who</p> <p>14 went to medical school outside of the United States?</p> <p>15 A. No.</p> <p>16 Q. You understand that my client, the</p> <p>17 Educational Commission for Foreign Medical Graduates,</p> <p>18 is the defendant in this case, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Is it okay if I refer to them as ECFMG?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. You'll know what I'm talking about?</p> <p>23 A. Yes, ma'am.</p> <p>24 Q. Prior to meeting counsel in connection with</p> <p>25 this lawsuit or the Maryland lawsuit, had you ever</p>	<p>1 on the Internet?</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember what you read on the</p> <p>4 Internet?</p> <p>5 A. Just what their job responsibilities were,</p> <p>6 where they are located.</p> <p>7 Q. Was that from the ECFMG website?</p> <p>8 A. Yeah. I just Googled.</p> <p>9 Q. You said you looked up what the job</p> <p>10 responsibilities were for ECFMG. What do you mean by</p> <p>11 that?</p> <p>12 A. I wanted to know exactly what kind of</p> <p>13 company it was. So not exactly -- I didn't look up,</p> <p>14 you know, exactly job responsibility, but what kind of</p> <p>15 company it was and what they performed, what they did.</p> <p>16 Q. What do you mean by what kind of company</p> <p>17 they are?</p> <p>18 A. So I just knew that it was some kind of</p> <p>19 credentialing company or something, but I wasn't sure.</p> <p>20 Like, I wasn't 100 percent sure of the nature of the</p> <p>21 company, so I wanted to know exactly what the nature</p> <p>22 of the company was.</p> <p>23 Q. And when did you conduct this Internet</p> <p>24 research, before you met counsel or after you met</p> <p>25 counsel?</p>
<p style="text-align: center;">Page 71</p> <p>1 heard of ECFMG before?</p> <p>2 A. No.</p> <p>3 Q. Do you have any understanding of what ECFMG</p> <p>4 does?</p> <p>5 A. Yes.</p> <p>6 Q. And from where did you get that</p> <p>7 understanding?</p> <p>8 MR. CERYES: Objection.</p> <p>9 MS. MCENROE: Not asking for specifics.</p> <p>10 I'm just asking generally where she got the</p> <p>11 understanding from.</p> <p>12 Q. I'm not trying to get into specific</p> <p>13 conversations you had with counsel, but I'm just</p> <p>14 trying to understand from where did you get that</p> <p>15 understanding?</p> <p>16 MR. CERYES: I'll allow you to answer it.</p> <p>17 A. From counsel.</p> <p>18 Q. Aside from conversations you had with</p> <p>19 counsel, have you learned anything about ECFMG outside</p> <p>20 of what counsel told you?</p> <p>21 A. Well, I did -- once I found out what their</p> <p>22 responsibilities were, I did look them up, yes.</p> <p>23 Q. So you Googled them?</p> <p>24 A. Yes.</p> <p>25 Q. And you read some information about ECFMG</p>	<p style="text-align: center;">Page 73</p> <p>1 A. After.</p> <p>2 Q. When did you first meet the counsel that</p> <p>3 represents you in this litigation and in the</p> <p>4 Dimensions litigation?</p> <p>5 A. I don't remember. Was it November? I</p> <p>6 think the first meeting was in November.</p> <p>7 Q. Of what year?</p> <p>8 A. '18?</p> <p>9 You don't know? You can't help me.</p> <p>10 MR. CERYES: Do your best.</p> <p>11 A. I'm sorry.</p> <p>12 Q. Do you remember how you came to meet</p> <p>13 counsel?</p> <p>14 A. Yeah. I heard an ad.</p> <p>15 Q. You heard an advertisement for a law firm?</p> <p>16 A. An advertisement, uh-huh.</p> <p>17 Q. Do you remember for which law firm?</p> <p>18 A. For Schochor, Federico and Staton.</p> <p>19 Q. And you said you heard it. How did you</p> <p>20 hear it?</p> <p>21 A. Actually my husband heard it on the radio.</p> <p>22 Q. When was that?</p> <p>23 A. Ma'am, I'm old. You keep asking me all</p> <p>24 these dates. I don't know. I don't know. Maybe</p> <p>25 summer of 2018 maybe.</p>

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<p>1 Q. Did you hear the radio advertisement at any 2 time personally?</p> <p>3 A. Yes. I heard it after the fact, yes.</p> <p>4 Q. When you say "after the fact" --</p> <p>5 A. Well, after my husband heard it.</p> <p>6 Q. Did you hear it? Did you personally hear 7 it before you contacted counsel?</p> <p>8 A. Yes.</p> <p>9 Q. What did the radio advertisement say?</p> <p>10 A. If you were seen by Charles Akoda, give us 11 a call, something to that effect.</p> <p>12 Q. Did it say anything about why?</p> <p>13 A. I don't think it went into detail.</p> <p>14 Q. Was the firm that was advertised in that 15 radio advertisement the same firm that you then 16 reached out to?</p> <p>17 A. Yes.</p> <p>18 Q. Had you consulted with any other lawyers?</p> <p>19 A. No.</p> <p>20 Q. You mentioned earlier that you conducted 21 some Internet research into ECFMG. Do you remember 22 that discussion?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know what it means for a foreign 25 medical graduate to be certified by ECFMG?</p>	<p>1 A. Mm-hmm.</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And the medical care -- strike that. 5 Where Peyton was delivered, was that in 6 Maryland?</p> <p>7 A. Yes.</p> <p>8 Q. And do you have an understanding of whether 9 Maryland requires physicians to be licensed by the 10 State of Maryland to practice medicine there?</p> <p>11 A. No. I would assume that they would.</p> <p>12 Q. So you think that they do.</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. So that's just what I'm trying to 15 ask. Do you have an understanding that the State of 16 Maryland requires physicians doing medical care there 17 to be licensed by the state?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Have you ever heard of the 20 United States Medical Licensing Examinations? 21 Sometimes it's called USMLE.</p> <p>22 A. No.</p> <p>23 Q. Do you have any understanding that, in 24 order to become a physician in the United States, 25 graduates of medical school need to take what's called</p>
<p>1 A. Yes.</p> <p>2 Q. To you what does that mean?</p> <p>3 A. To me it means that they have completed 4 everything that they were supposed to do successfully 5 in order to gain the certification from ECFMG to 6 practice.</p> <p>7 Q. Do you understand or -- strike that.</p> <p>8 Do you have an understanding of whether or not 9 a foreign medical graduate can come to the 10 United States, get an ECFMG certification, and then 11 practice medicine, or if they have to do something 12 else before that?</p> <p>13 A. My understanding is you have to do 14 something before that.</p> <p>15 Q. Do you know what that something is?</p> <p>16 A. Certifications, some kind of testing?</p> <p>17 Q. Okay. Do you know what a residency program 18 is --</p> <p>19 A. I do.</p> <p>20 Q. -- for a physician? What does that mean to 21 you?</p> <p>22 A. A residency program is kind of like an 23 internship for doctors.</p> <p>24 Q. And that's still medical education. Do you 25 understand that?</p>	<p>1 medical boards?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have an understanding of whether 4 some physicians can get additional credentialing by 5 becoming board certified?</p> <p>6 A. No.</p> <p>7 Q. Okay. So you've never heard like he's a 8 board -- he's board certified in --</p> <p>9 A. Yes.</p> <p>10 Q. -- and then a specialty?</p> <p>11 A. Yes.</p> <p>12 Q. You've heard that before?</p> <p>13 A. Yes, I've heard that before.</p> <p>14 Q. Okay. And what does that mean to you?</p> <p>15 A. That they were certified by some type of 16 medical board.</p> <p>17 Q. Okay. Do you know whether Dr. Akoda -- 18 when I say "Dr. Akoda," do you know who I'm referring 19 to?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you know whether Dr. Akoda took 22 any United States medical licensing examinations?</p> <p>23 MR. CERYES: Objection, foundation. You 24 can answer to the extent you're able.</p> <p>25 A. Yeah. I mean, I'm assuming he did, yes.</p>

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<p>1 Q. Okay. Do you know whether Dr. Akoda passed 2 the USMLE components?</p> <p>3 MR. CERYES: Same objection.</p> <p>4 A. If he passed, after failing? Yes.</p> <p>5 Q. So you're asserting that you think that 6 Dr. Akoda failed them.</p> <p>7 A. I don't -- I mean, that's my assumption. 8 That's --</p> <p>9 Q. Why is that your assumption?</p> <p>10 A. Because I read through the documents that 11 were given to me.</p> <p>12 Q. What documents were given to you?</p> <p>13 A. The discovery and things like that.</p> <p>14 Q. What discovery was given to you?</p> <p>15 A. From my -- this stuff (indicating) that 16 my -- that my counsel gave to me.</p> <p>17 Q. Okay. What did they show you that made you 18 think that Dr. Akoda had failed examinations?</p> <p>19 MR. CERYES: I'm going to object to the 20 extent I think we're getting into attorney-client 21 privilege. I can proffer to you what she's talking 22 about, if that's helpful.</p> <p>23 Q. Were these documents that were produced in 24 this litigation? Did they have Bates-stamped numbers 25 on the bottom?</p>	<p>1 Q. Right. So those are allegations in the 2 complaint.</p> <p>3 A. Mm-hmm.</p> <p>4 Q. Did you write the complaint?</p> <p>5 A. No.</p> <p>6 Q. Do you know who wrote the complaint?</p> <p>7 A. My counsel, I would assume.</p> <p>8 Q. Okay. Do you know whether any of the other 9 physicians you've ever been treated by in your life 10 have been ECFMG certified?</p> <p>11 A. I don't know.</p> <p>12 Q. You don't know one way or the other?</p> <p>13 A. No.</p> <p>14 Q. Do you know if, as part of ECFMG 15 certification program, it verifies Social Security 16 numbers?</p> <p>17 A. No. Well, I'm assuming that they do.</p> <p>18 Q. You're assuming they do?</p> <p>19 A. I would hope so.</p> <p>20 Q. On what basis?</p> <p>21 A. Because you have someone coming from 22 another country, how else are you going to identify 23 them besides their identification number, which is 24 their Social.</p> <p>25 Q. Do you know for a fact whether as part of</p>
<p style="text-align: center;">Page 79</p> <p>1 MR. CERYES: Are you asking me?</p> <p>2 MS. MCENROE: I'm asking whoever will tell 3 me.</p> <p>4 MR. CERYES: I think what she's referring 5 to is the complaint.</p> <p>6 MS. MCENROE: The complaint.</p> <p>7 A. The complaint.</p> <p>8 Q. Okay. So you've seen the allegations 9 drafted as by counsel --</p> <p>10 A. Correct.</p> <p>11 Q. -- about Dr. Akoda.</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Have you ever seen underlying 14 original documents -- and by "original," I mean they 15 could be copies -- but underlying documents regarding 16 Dr. Akoda's credentials?</p> <p>17 A. No.</p> <p>18 Q. Have you ever seen his medical school 19 diploma?</p> <p>20 A. No.</p> <p>21 Q. Were you lead to believe he did not 22 graduate from medical school?</p> <p>23 A. I wasn't lead to believe anything. I'm 24 just going off of what I read in the complaint myself, 25 ma'am.</p>	<p style="text-align: center;">Page 81</p> <p>1 its certification program ECFMG verifies birth 2 certificates?</p> <p>3 A. I would assume they should.</p> <p>4 Q. On what basis are these assumptions made 5 on?</p> <p>6 A. Because how else are you going to identify 7 someone without those identification things?</p> <p>8 Q. And you think that ECFMG's purpose is to 9 verify identification documentation?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know if, as part of its 12 certification program, ECFMG verifies green cards?</p> <p>13 A. I don't know, but I would assume they 14 would.</p> <p>15 Q. Do you know whether if, as part of its 16 certification programs, ECFMG verifies state medical 17 licenses?</p> <p>18 A. I would assume they would.</p> <p>19 Q. Same basis?</p> <p>20 A. Yes.</p> <p>21 Q. And do you know whether for a fact, as part 22 of its certification program, ECFMG verifies board 23 certifications?</p> <p>24 A. I would assume as well.</p> <p>25 Q. Okay. So is it your understanding that</p>

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<p>1 ECFMG is responsible for verifying any piece of      2 identifying information about a foreign medical      3 graduate?</p> <p>4 A. Absolutely.</p> <p>5 MR. CERYES: Object to the extent I think      6 we're getting into expert testimony, but you can      7 answer to the best of your understanding.</p> <p>8 MS. MCENROE: Well, I'm asking about the      9 witness's understanding, so I think that's a fair --</p> <p>10 A. Yes.</p> <p>11 Q. So on what basis do you have that      12 understanding?</p> <p>13 A. The basis that if you are -- if someone is      14 going to be caring over someone medically, that I      15 would assume that they would do their due diligence to      16 find out that this person is who they say they are,      17 and you would have to go through all of those things      18 to make sure that this person is exactly who they are      19 stating to be.</p> <p>20 Q. Is it fair to say that, when you were      21 treated by Dr. Akoda, you had not heard of ECFMG?</p> <p>22 A. Correct.</p> <p>23 Q. Is it fair to say that we're here today      24 because of Dr. Akoda's treatment of you?</p> <p>25 MR. CERYES: Objection, form, foundation.</p>	<p>1 medical professional to get that process started?      2 A. By another -- mm-hmm, yes.      3 Q. And that would have been Pitocin; is that      4 correct?      5 A. Yes. Yes, ma'am.      6 Q. How did you react to the Pitocin? Did that      7 work for you?      8 A. Yes.      9 Q. How long were you in labor?      10 A. Twenty-two, 24 hours, 26 hours, somewhere      11 between there.      12 Q. And did you spend a period of that time      13 pushing?      14 A. Twelve hours.      15 Q. Twelve hours. Was Dr. Akoda your physician      16 the entire 22, 24, 26 hours that you were in labor?      17 A. Yes.      18 Q. Did you see any other ob/gyn's during your      19 labor or delivery?      20 A. No.      21 Q. You already made reference to one nurse.      22 Do you recall being treated by nurses while you were      23 laboring and delivering?      24 A. Yes.      25 Q. Do you recall about how many?</p>
<p style="text-align: center;">Page 83</p> <p>1 You can answer, if you understand the question.      2 Q. I'm not trying to make this a hard one.      3 I'm just trying to transition to another general area.      4 Have you ever been treated by a doctor who      5 called himself Dr. Akoda?</p> <p>6 A. Yes.</p> <p>7 Q. When was that?</p> <p>8 A. March 16th into 17th of 2008 -- '16.      9 Jesus, '16.</p> <p>10 Q. Why were you being treated by Dr. Akoda,      11 for what condition?</p> <p>12 A. Delivery, pregnancy.</p> <p>13 Q. How did you come to be treated by      14 Dr. Akoda?</p> <p>15 A. He was the doctor on call, I guess.</p> <p>16 Q. Where?</p> <p>17 A. At Dimensions Health Systems.</p> <p>18 Q. Earlier today we were discussing you being      19 induced to have your labor; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. Was Dr. Akoda the doctor that induced you      22 to labor?</p> <p>23 A. No. The nurse -- a nurse gave me the      24 medication.</p> <p>25 Q. So you were originally seen by another</p>	<p style="text-align: center;">Page 85</p> <p>1 A. Two.      2 Q. At any one time or over the course of time?      3 A. Over the course of time. It was shift      4 work.      5 Q. Do you remember the names?      6 A. I do not.      7 Q. Were the nurses men or women?      8 A. Women.      9 Q. Can you tell me about when you first met      10 Dr. Akoda?      11 A. He just came in and introduced himself, and      12 I guess -- I don't remember -- asked me a few      13 questions and then --      14 Q. Sure. Did you ask -- oh, go ahead.      15 A. And then said that he was going to prepare      16 the room for delivery.      17 Q. Did he actually prepare the room for      18 delivery?      19 A. He and another nurse.      20 Q. What did they do to prepare the room for      21 delivery?      22 A. They brought in like a little table and      23 some supplies and moved my bed from where it was into      24 like the middle of the floor.      25 Q. How far along was this in the 22, 24, or 26</p>

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<p>1 hours you were describing for your labor?</p> <p>2 A. So I got there around -- so this was</p> <p>3 approximately 10:00 in the morning on the 17th. So I</p> <p>4 got there the day before on the 16th around 11:30, and</p> <p>5 I was taken back around 1:00-ish.</p> <p>6 Q. Were you being treated by Dr. Akoda before</p> <p>7 you got taken back?</p> <p>8 A. No.</p> <p>9 Q. Were you being treated by any ob/gyn before</p> <p>10 you got taken back?</p> <p>11 A. No.</p> <p>12 Q. When you first met Dr. Akoda, did you ask</p> <p>13 him at all about his credentials or his background?</p> <p>14 A. No.</p> <p>15 Q. Did you at any point ask him about his</p> <p>16 background or his experience?</p> <p>17 A. No.</p> <p>18 Q. About his credentials?</p> <p>19 A. I was in labor, ma'am. No.</p> <p>20 Q. I understand. I'm just asking questions.</p> <p>21 A. Oh. No.</p> <p>22 Q. Do you know whether Dr. Akoda completed a</p> <p>23 residency program?</p> <p>24 A. I don't know.</p> <p>25 Q. You don't know?</p>	<p>1 the room with me for the entire time.</p> <p>2 Q. Was your husband with you?</p> <p>3 A. Yes.</p> <p>4 Q. Was your mother with you?</p> <p>5 A. Yep.</p> <p>6 Q. Was anybody else with you?</p> <p>7 A. No.</p> <p>8 Q. Did your husband and mother remain with</p> <p>9 you --</p> <p>10 A. Yes.</p> <p>11 Q. -- barring bathroom trips or whatnot the</p> <p>12 entire time?</p> <p>13 A. Yes, uh-huh.</p> <p>14 Q. Does your husband have any other children</p> <p>15 besides Peyton?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. How many children does he have?</p> <p>18 A. Three.</p> <p>19 Q. Do they reside with you?</p> <p>20 A. No.</p> <p>21 Q. How old are they?</p> <p>22 A. Fifteen, eleven, and seven.</p> <p>23 Q. And seven?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. Are they boys or girls?</p>
<p style="text-align: center;">Page 87</p> <p>1 A. No.</p> <p>2 Q. Do you know whether Dr. Akoda was board</p> <p>3 certified by the American Board of Obstetrics and</p> <p>4 Gynecology?</p> <p>5 A. No.</p> <p>6 Q. So I want to talk a little bit more about</p> <p>7 your labor and delivery experience. About how long</p> <p>8 between when Dr. Akoda started treating you and you</p> <p>9 delivered Peyton, about how long was that period of</p> <p>10 time?</p> <p>11 A. About 11, 12 hours or so.</p> <p>12 Q. Was Dr. Akoda in the room with you that</p> <p>13 entire time?</p> <p>14 A. No.</p> <p>15 Q. Okay. Did he come in and out of the room?</p> <p>16 A. Yes.</p> <p>17 Q. Approximately how many times, do you know?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Was it on a regular schedule or was it just</p> <p>20 sort of --</p> <p>21 A. Just -- from my understanding, he was the</p> <p>22 only physician there, so he was delivering other</p> <p>23 babies.</p> <p>24 Q. Did a nurse stay with you the entire time?</p> <p>25 A. They were both in and out. No one was in</p>	<p style="text-align: center;">Page 89</p> <p>1 A. Mixed, two boys and one girl.</p> <p>2 Q. And how old is the girl?</p> <p>3 A. The girl is seven.</p> <p>4 Q. Okay. So the older two are boys.</p> <p>5 A. Yes.</p> <p>6 Q. Do you know if your husband was present for</p> <p>7 their deliveries?</p> <p>8 A. I don't know.</p> <p>9 Q. Are the three of them with the same mother?</p> <p>10 A. No.</p> <p>11 Q. Okay. Do any of them share a mom?</p> <p>12 A. Yes, two of them.</p> <p>13 Q. Which two?</p> <p>14 A. The two boys have the same mom.</p> <p>15 Q. How many children does your mother have?</p> <p>16 A. Two.</p> <p>17 Q. Do you know if that's the number of</p> <p>18 children she delivered?</p> <p>22 A. No, I don't know.</p> <p>23 Q. So you have one sibling?</p> <p>24 A. Yes.</p> <p>25 Q. Is it a brother or a sister?</p>

	Page 90	Page 92
1	A. A brother.	1 your leg?
2	Q. Older or younger?	2 A. During that particular time, I want to say
3	A. Younger.	3 it might have been around 30 minutes, because at that
4	Q. And he's not a physician?	4 time the baby's head started coming out but kept going
5	A. No.	5 back in. So he stayed in the room for a little bit
6	Q. What does he do?	6 longer at that -- at that time.
7	A. He is a general manager for a nightclub.	7 Q. Did he use forceps or any other tools in
8	Q. In the area?	8 that way?
9	A. Yes.	9 A. No.
10	Q. Does he have any children?	10 Q. Did you have an epidural during your labor?
11	A. No.	11 A. Mm-hmm.
12	Q. About how much time total would you	12 Q. Is that a yes?
13	estimate you spent with Dr. Akoda?	13 A. Yes, ma'am. Sorry.
14	A. Out of that 12 hours, I want to say maybe	14 Q. Around what time during this whole process
15	eight hours.	15 do you remember getting an epidural?
16	Q. So he was with you for eight out of the 12	16 A. The epidural was the night before, so I
17	hours?	17 want to say maybe 11 or 12 in the evening after they
18	A. Yeah, in and out. I was having	18 had given me the first dosage of Pitocin.
19	difficulties pushing, so he was in and out trying to,	19 Q. So 11 or 12 the night before you delivered?
20	you know, he would come in and then leave and then	20 A. Yes.
21	come back, leave and then come back, and try to get me	21 Q. After you got the epidural, were you
22	to push again, that type of situation.	22 connected to an IV?
23	Q. Got it. Okay. And each time he would come	23 A. Mm-hmm. Yes.
24	in, approximately how long would he be in the room	24 Q. Is that yes? And you were confined to your
25	for, a couple minutes at a time?	25 bed; is that correct?
	Page 91	Page 93
1	A. Maybe 10, 15 minutes.	1 A. Yes.
2	Q. And you testified that you were pushing for	2 Q. Did the epidural work? Were your legs
3	a long time; is that correct?	3 numb?
4	A. Yes.	4 A. Yes.
5	Q. Okay. I apologize for the personal nature	5 Q. Yes. Okay. You ultimately ended up having
6	of this question, but were your legs in stirrups or	6 a C-section; is that correct?
7	were people holding your feet?	7 A. Yes.
8	A. They were holding my feet.	8 Q. And do you understand whether they used the
9	Q. And who was holding your feet?	9 C-section as the anesthesia -- I'm sorry. Strike
10	A. My mom and my husband.	10 that.
11	Q. So your mom was holding one and your	11 Do you know whether they used the epidural as
12	husband was holding the other?	12 the anesthesia for your C-section or if they gave you
13	A. Yes, ma'am. At a later point there was a	13 something else?
14	nurse there holding -- holding my other leg while my	14 A. They gave me something else.
15	husband was down there with Dr. Akoda.	15 Q. And did you remain awake during your
16	Q. Okay. So that was one of the two nurses	16 C-section?
17	you were talking about --	17 A. Yes.
18	A. Yes.	18 Q. Who conducted your C-section?
19	Q. -- who was holding one of the legs --	19 A. Dr. Akoda.
20	A. Yes.	20 Q. So when you were laboring and your mom and
21	Q. -- while your husband was standing next to	21 husband had one foot and then later the nurse swapped
22	Dr. Akoda?	22 in for your husband, were you laying on your back?
23	A. Yes.	23 A. Yes.
24	Q. And how long was your husband standing next	24 Q. And did you have a sheet over your legs --
25	to Dr. Akoda while he treated you and a nurse held	25 A. Well.

Page 94	Page 96
1 Q. -- a blanket or something?	1 A. It was okay.
2 A. Yeah. I mean, it wasn't over my legs any	2 Q. You had no infection?
3 longer because my legs was up, but, yeah, it was one	3 A. No.
4 covering my stomach area.	4 Q. How long after you had Peyton did you go
5 Q. And were you able to see your baby's head	5 back to working? And I understand you were working
6 coming in and out --	6 from home, but did you return to working?
7 A. Yes.	7 A. I want to say -- I want to say I was out
8 Q. -- over your tummy?	8 for maybe two months, but I'm not 100 percent sure.
9 A. Well, because I was up.	9 I'm pretty sure it was like eight weeks.
10 Q. How were you positioned?	10 Q. Do you know if there were any medical
11 A. I was like up.	11 students or residents present for your labor or
12 Q. If you could describe it a little. We have	12 delivery?
13 the video camera, but it would be helpful if you could	13 A. I don't recall.
14 describe it as well.	14 Q. Is it possible that there could have been
15 A. I wasn't laying flat. I mean, I was on my	15 other medical professionals coming in and out the
16 back, but I was kind of in a C kind of position.	16 room?
17 Q. Yep.	17 A. It's possible.
18 A. So my body was up like this, and they were	18 Q. Do you know who placed your epidural? Was
19 holding my legs like this. So I was pushing -- they	19 it an anesthesiologist?
20 were -- it's hard to explain.	20 A. Yes.
21 Q. Yeah.	21 Q. So that was a doctor different from
22 A. They were pulling my legs back this way	22 Dr. Akoda?
23 trying to get the baby out.	23 A. Yes.
24 Q. Yep.	24 Q. Was that doctor, the anesthesiologist,
25 A. So I'm up like, and they were pulling my	25 present during your C-section, do you know?
Page 95	Page 97
1 legs back. Does that make sense?	1 A. I don't think it was the same doctor.
2 Q. Got it. I think it does. So if I can	2 Q. But was there an anesthesiologist --
3 articulate it correctly, was your -- you were seated	3 A. Yes.
4 somewhat with your legs elevated.	4 Q. -- present during your C-section?
5 A. Yes.	5 A. Yes. Yes, because they gave me additional
6 Q. And you were pushing?	6 medication before.
7 A. Yes. Yes.	7 Q. You mentioned earlier that, when you came
8 Q. Is that correct?	8 in for your induction or when you scheduled your
9 A. Yes.	9 induction, you expected you would be delivered by
10 Q. And did you actually see the baby's head	10 Dr. Moore; is that correct?
11 when it was coming in and out?	11 A. Yes.
12 A. Yeah, I saw it twice.	12 Q. When did you learn that that was not going
13 Q. And did Peyton have hair when he was	13 to happen?
14 delivered?	14 A. When Dr. Akoda came in the room and said
15 A. A lot. He still has a lot.	15 that he was going to be delivering my baby.
16 Q. Peyton was delivered healthy?	16 Q. So you didn't find that out beforehand?
17 A. Yes.	17 A. No.
18 Q. Any issues or concerns from breastfeeding?	18 Q. Did you ask any questions about why
19 A. No.	19 Dr. Moore would not be delivering your baby?
20 Q. Was he a good eater?	20 A. No. At that point I just wanted the baby
21 A. Yes.	21 out.
22 Q. How was your labor and delivery recovery	22 Q. How long did you stay in the hospital after
23 yourself?	23 you had Peyton?
24 A. It was okay.	24 A. Five days? Five days.
25 Q. How was your C-section incision?	25 Q. Do you know if that was the standard length

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<p>1 of time or if you stayed any longer for any reason?</p> <p>2 A. I believe that's the standard length of</p> <p>3 time for a C-section.</p> <p>4 Q. Did Peyton remain in the hospital with you</p> <p>5 that whole time?</p> <p>6 A. Yes.</p> <p>7 Q. Is Prince George's Hospital a rooming in</p> <p>8 hospital? Do you know what that means?</p> <p>9 A. No.</p> <p>10 Q. Did they have the baby sleep with you in</p> <p>11 your hospital room?</p> <p>12 A. Yes. Yes.</p> <p>13 Q. Was he sleeping while he was in the</p> <p>14 hospital at least some of the time?</p> <p>15 A. Yes.</p> <p>16 Q. Did he need to be treated with anything</p> <p>17 initially when he was born? Did he have jaundice or</p> <p>18 any of those types of newborn things?</p> <p>19 A. No, huh-uh.</p> <p>20 Q. You said he was good?</p> <p>21 A. He was good, yes.</p> <p>22 Q. And did a pediatrician come to treat Peyton</p> <p>23 while you were in the hospital, do you remember?</p> <p>24 Treat, or I should say observe.</p> <p>25 A. Yeah.</p>	<p>1 A. Dionne Lucas...</p> <p>2 Q. I might be saying the name wrong. It's</p> <p>3 D-I-O-N-N-E.</p> <p>4 A. I believe I went to her for a physical. I</p> <p>5 don't remember when, though. [REDACTED]</p> <p>[REDACTED]</p> <p>8 (Exhibit 2 marked for</p> <p>9 identification: History and Physical</p> <p>10 Examination re Desire Evans)</p> <p>11 MR. CERYES: Thank you.</p> <p>12 Q. Ms. Evans, I'm handing you a copy of some</p> <p>13 medical records that we've received in discovery in</p> <p>14 this case. So you'll see the first page is an</p> <p>15 Affidavit of Authentication of Records. Do you see</p> <p>16 that?</p> <p>17 A. Mm-hmm. Yes.</p> <p>18 Q. And you'll see at the bottom there's a</p> <p>19 little number that starts with the word "plaintiffs."</p> <p>20 A. Yes.</p> <p>21 Q. And then a number of zeros and then it says</p> <p>22 5833. Do you see that at the way bottom, Plaintiffs'</p> <p>23 5833, all the way at the bottom?</p> <p>24 A. Oh, yeah, yeah, yeah.</p> <p>25 Q. So that's what we call a Bates stamp. So</p>
Page 99	Page 101
<p>1 Q. Yep.</p> <p>2 A. Yeah.</p> <p>3 Q. After you delivered, did any ob/gyn's come</p> <p>4 to visit you? Did Dr. Moore come and see you at any</p> <p>5 time during those five days?</p> <p>6 A. No.</p> <p>7 Q. Did any other physicians come to you?</p> <p>8 A. No, just had a nurse after that.</p> <p>9 Q. Just a nurse?</p> <p>10 A. (Nodding head up and down.)</p> <p>11 Q. Okay. Did anyone talk to you about</p> <p>12 postpartum depression when you were being released</p> <p>13 from the hospital or during your hospital stay?</p> <p>14 A. Not that I can remember, no.</p> <p>15 Q. Do you know what postpartum depression is?</p> <p>16 A. Yes.</p> <p>17 Q. Do you believe you've suffered ever from</p> <p>18 postpartum depression?</p> <p>19 A. No.</p> <p>20 Q. Have you ever spoken to any of your</p> <p>21 training psychologists or psychiatrists about</p> <p>22 postpartum depression?</p> <p>23 A. No.</p> <p>24 Q. Were you ever treated by somebody named</p> <p>25 Dionne Lucas? Maybe a physician's assistant.</p>	<p>1 if I refer you to a Bates stamp, it's the individually</p> <p>2 numbered page number specific for this litigation.</p> <p>3 Okay?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And I'd like to direct you to the</p> <p>8 second page in that document, which at the top says</p> <p>9 History and Physical Examination. Do you see that?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. Okay. And you said yes?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And at the top it says DOS and then</p> <p>14 July 25th, 2016. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Is that around the time you think you saw</p> <p>17 Dionne Lucas?</p> <p>18 A. Yes.</p> <p>19 Q. And to help refresh your recollection, if</p> <p>20 you take a look at the very next page, you'll see that</p> <p>21 the document was electronically signed by Dionne Lucas</p> <p>22 two days after that date. Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Does that sound familiar to you that you</p> <p>25 would have been treated by this physician's assistant</p>

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<p>1 in July 2016?</p> <p>2 A. Yes.</p> <p>3 Q. And looking back to the page that has</p> <p>4 History and Physical Examination at the top, do you</p> <p>5 see that?</p> <p>6 A. Mm-hmm.</p> <p>7 Q. There's a section that says, History of</p> <p>8 Present Illness. Is that correct? Do you see that?</p> <p>9 I'd like to direct you to the first paragraph there,</p> <p>10 and it starts -- do you see where I am?</p> <p>11 A. Mm-hmm.</p> <p>12 Q. It says, "this is a new patient to our</p> <p>13 practice. She is complaining of feeling sad all the</p> <p>14 time and having severe anxiety. She just had a baby</p> <p>15 in 03/16 and since then has not been able to sleep."</p> <p>16 Do you see that?</p> <p>17 A. Mm-hmm. Yes.</p> <p>18 Q. Did you say yes? Is that correct for what</p> <p>19 you presented to Dionne Lucas for when you went to see</p> <p>20 her?</p> <p>21 A. Yes.</p> <p>22 Q. The next sentence goes on to say, "She is</p> <p>23 afraid to drive her car. She is afraid of walking</p> <p>24 down the steps with her son because she thinks she</p> <p>25 might drop him. She is afraid to let her son be</p>	<p>1 gynecologist, they gave her a note for reasonable</p> <p>2 accommodation, which allowed her to work from home</p> <p>3 until August 1st, 2016." Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Which gynecologist gave you a note to work</p> <p>6 from home?</p> <p>7 A. I believe that that was Donna from</p> <p>8 Dr. Moore's office.</p> <p>9 Q. Is that a gynecologist at Dr. Moore's</p> <p>10 office?</p> <p>11 A. Well, that's the gynecological office, so I</p> <p>12 would assume that she's a gynecologist.</p> <p>13 (Clarification by reporter.)</p> <p>14 Q. So that was the other ob/gyn at Dr. Moore's</p> <p>15 practice you testified about having met with earlier?</p> <p>16 A. Yes.</p> <p>17 Q. And did you see her after you delivered</p> <p>18 Peyton?</p> <p>19 A. For my six-week checkup, I believe.</p> <p>20 Q. And so you went to Dr. Moore's practice but</p> <p>21 saw the other ob/gyn after you delivered Peyton; is</p> <p>22 that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Is that the only time you saw that other</p> <p>25 doctor besides Dr. Moore at Dr. Moore's practice?</p>
<p style="text-align: center;">Page 103</p> <p>1 watched by other people." Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And was that accurate to how you were</p> <p>4 feeling at the time?</p> <p>5 A. Yes.</p> <p>6 Q. Did you get help having others watch Peyton</p> <p>7 when he was an infant?</p> <p>8 A. What do you mean "get help," like mental</p> <p>9 help?</p> <p>10 Q. No, I'm sorry, I mean physical help. Did</p> <p>11 you have others come watch him and so that you could</p> <p>12 get a break, take a shower?</p> <p>13 A. Yeah, like my family, my mom, my husband.</p> <p>14 Q. Your family. And how frequently would</p> <p>15 others come in to help watch Peyton?</p> <p>16 A. Daily. Having other people watch him, like</p> <p>17 sending him to daycare, like that's what --</p> <p>18 Q. So your concern was not letting other</p> <p>19 people outside of your family watch him?</p> <p>20 A. Yes, yes.</p> <p>21 Q. Okay. And then it continues to say, "she</p> <p>22 is losing her hair." Do you see where I am?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. "And has not been able to go into work</p> <p>25 since her maternity leave ended. When she saw her</p>	<p style="text-align: center;">Page 105</p> <p>1 A. Yes.</p> <p>2 Q. It was after you had delivered?</p> <p>3 A. (Nodding head up and down.)</p> <p>4 Q. That's a yes?</p> <p>5 A. Yes. Sorry.</p> <p>6 Q. Thank you. Did any doctor or nurse talk to</p> <p>7 you about hair loss after delivery?</p> <p>8 A. No.</p> <p>9 Q. Has anyone ever -- any physician ever</p> <p>10 talked to you about hair loss after delivery?</p> <p>11 A. No.</p> <p>12 Q. The document goes on to say, "she is</p> <p>13 asking --" Do you see where I am?</p> <p>14 A. Uh-huh.</p> <p>15 Q. "She is asking for an updated letter and</p> <p>16 evaluation/treatment for this complaint. Prior to</p> <p>17 having her baby she did not have any issues with</p> <p>18 anxiety or depression." Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And then going on to the next page there,</p> <p>21 there is a section that's called "Impression/Plan."</p> <p>22 Do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And the first bullet point there says,</p> <p>25 "depression/anxiety" and then in parentheses,</p>

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1 "possible postpartum." Do you see that?	1 Q. As of July?
2 A. Yes.	2 A. Yeah.
3 Q. And so are you saying that the physician's	3 Q. Do you know how long you had been working
4 assistant, Dionne Lucas, who you saw in July 2016 did	4 since your delivery with Peyton as of this time?
5 not talk to you about postpartum depression?	5 A. I was out of work for like eight weeks.
6 A. No.	6 Q. Okay.
7 Q. Was this physician's assistant who you saw	7 (Exhibit 3 marked for
8 the first medical professional you discussed your	8 identification: Medical Records re
9 anxiety with or your depression with after delivering	9 Desire Evans
10 Peyton?	10 Smith 000001 - Smith 000023)
11 A. Yes.	11 Q. Ms. Evans, I'm going to hand you some more
12 Q. On that same paragraph I was just talking	12 medical records that were produced to us in this
13 about, the number 1 under Impression/Plan, do you see	13 litigation for you. And you'll see the very first
14 that?	14 page is a certification of medical records from Kaiser
15 A. Yes.	15 Permanente. Do you see that?
16 Q. The last sentence says, "a reassessment	16 A. Yes.
17 during the week of 090516 will be made in our office."	17 Q. Turning to the second page of that
18 Do you see that?	18 document, so it has a Bates number ending in 5736 at
19 A. Yes.	19 the bottom, do you see that?
20 Q. And did you actually go back for that	20 A. Yes.
21 reassessment?	21 Q. Okay. It's double-sided. Thank you.
22 A. No.	22 There's a big redacted box up top. Do you know
23 Q. And the sentence before that says, "I have	23 what that's covering?
24 written her a note extending the reasonable	24 A. No.
25 accommodations until the week of 09-12-2016." Do you	25 Q. These are records for you visiting
Page 107	Page 109
1 see that?	1 Dr. Shanda Smith. Do you see that? On that second
2 A. Yes.	2 page, right under the redaction box, it says, under
3 Q. So this was in July, and this visit you	3 "Provider Name," "Smith, Shanda J, (MD)." Do you see
4 came out of it with a note extending your	4 that?
5 accommodations to work from home until mid September;	5 A. Yes.
6 is that a fair summary?	6 Q. And this was the Dr. Smith you referred to
7 A. Yes.	7 a little bit earlier this morning; is that correct?
8 Q. Do you recall now, having seen these	8 A. Yes.
9 medical records, does it refresh your recollection at	9 Q. Have you ever seen these medical records
10 all about how long you stayed out on maternity leave	10 before?
11 or when you returned to work?	11 A. No.
12 A. No, because I was -- I still returned to	12 Q. Can you remind me, how is it that you first
13 work; I just was working from home.	13 came to meet Dr. Smith?
14 Q. Right. I'm sorry. I used rather imprecise	14 A. I had Kaiser and she was one of the doctors
15 language.	15 there.
16 So what I meant was return to the workforce.	16 Q. When you say you had Kaiser, that was your
17 So returning to working.	17 insurance company?
18 A. Yes.	18 A. Yes.
19 Q. So do you remember with any more precision	19 Q. They referred you to her?
20 having now seen this note of medical treatment in July	20 A. Yes.
21 when it is after you delivered Peyton you returned to	21 Q. And how did they come to refer her to you?
22 the workforce?	22 So how did they know you were looking for a doctor
23 A. Yeah, I was still working.	23 like Dr. Smith?
24 Q. So you were working?	24 A. I called and asked for a doctor. I called
25 A. Yeah.	25 to make an appointment, and she was the doctor that

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<p>1 was assigned to me.</p> <p>2 Q. So these records appear to me to have begun</p> <p>3 from, at least what we can see, in early 2018. Does</p> <p>4 that line up with when you believe you first started</p> <p>5 seeing Dr. Smith, or do you believe you had seen her</p> <p>6 prior to that?</p> <p>7 A. No, I believe I said February of '18.</p> <p>8 Q. February of '18. Okay. So January of '18</p> <p>9 is sort of in the ballpark?</p> <p>10 A. Yeah. Yes.</p> <p>11 Q. I'd like to direct your attention to the</p> <p>12 document Bates-stamped ending in 5742, 5742, and</p> <p>13 you'll see there's a section there in the middle that</p> <p>14 starts with the words "Progress Notes," it's like a</p> <p>15 heading. Do you see that? Is that a yes?</p> <p>16 A. Yes.</p> <p>17 Q. And it says, it's from Shanda Smith, MD, on</p> <p>18 January 17th, 2018 at 4:10 p.m. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And then it says it was signed, right?</p> <p>21 A. Mm-hmm, yes.</p> <p>22 Q. And it says, "Psychiatric Evaluation, new</p> <p>23 evaluation"; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. So this, just trying to orient the timing,</p>	<p>1 referring to earlier, or is that a different doctor?</p> <p>2 A. No, I never saw this doctor. This could</p> <p>3 have been -- Kaiser also assigns you doctors, so that</p> <p>4 could have just been a doctor that was listed on my</p> <p>5 Kaiser card at the time.</p> <p>6 Q. So that would have been from the insurance</p> <p>7 company's perspective --</p> <p>8 A. Correct.</p> <p>9 Q. -- who they told you your primary --</p> <p>10 A. My primary care is, correct.</p> <p>11 Q. And did you ever go to a primary care</p> <p>12 physician when you had your Kaiser insurance?</p> <p>13 A. No.</p> <p>14 Q. And then it goes on to say, "Desire N.</p> <p>15 Evans is a [REDACTED] who</p> <p>16 presents for psychiatric evaluation." Do you see</p> <p>17 where I am?</p> <p>18 A. Yes.</p> <p>[REDACTED]</p>
<p>1 was after you had delivered Peyton, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And was it before or after you had met</p> <p>4 Plaintiffs' counsel in connection with this or the</p> <p>5 Maryland litigation?</p> <p>6 A. Before.</p> <p>7 Q. Before you had met counsel.</p> <p>8 A. (Nodding head up and down.)</p> <p>9 Q. So continuing down the page from where we</p> <p>10 were, it says "depression and anxiety." Do you see</p> <p>11 that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And it says, "Desire N. Evans" --</p> <p>14 and that's you, right?</p> <p>15 A. Yes.</p> <p>16 Q. -- [REDACTED] who presents</p> <p>17 voluntarily to Kaiser Permanente Largo Medical Center</p> <p>18 Behavioral Health for psychiatric evaluation." That's</p> <p>19 correct, you presented voluntarily, correct?</p> <p>20 A. Yes.</p> <p>21 Q. "She is self-referred after consultation</p> <p>22 with her primary care doctor, Dilasha Katwal MD, MD."</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Is that the primary care physician you were</p>	<p>1 A. I wouldn't say most of my life, no.</p> <p>2 Q. But at any time prior to this had you felt</p> <p>3 anxious/depressed?</p> <p>4 A. As I mentioned, normal anxious, but nothing</p> <p>5 that I would need to seek help for, no.</p> <p>6 Q. So you think that these medical records are</p> <p>7 inaccurate?</p> <p>8 MR. CERYES: Objection, form, foundation.</p> <p>9 A. Yes.</p> <p>10 Q. It goes on to say, "reports significant</p> <p>11 anxiety described as excess worry that is difficult to</p> <p>12 control, intermittent panic," it looks like that's</p> <p>13 "sx's," which I think is a medical terminology, then</p> <p>14 in parentheses it says, "SOB/palpitations/insolable</p> <p>15 weeping." Do you see that?</p> <p>16 A. Mm-hmm.</p> <p>17 Q. Is that yes?</p> <p>18 A. Yes.</p> <p>19 Q. And then it says, "cries seemingly out of</p> <p>20 the blue for no reason." Is that part that I just</p> <p>21 read accurate?</p> <p>22 A. Yes.</p> <p>[REDACTED]</p>

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1 attachment to her two-year-old son," quote, 'he keeps 2 me going,'" end quote. Do you see that? 3 A. Yes. 4 Q. Was that accurate? 5 A. I guess, yes. 6 Q. Then it goes on to say, "endorses depressed 7 mood, anhedonia," I think it's another medical term, 8 then "initial/middl [REDACTED] 9 [REDACTED] you see 10 that? 11 A. Yes. 12 Q. Aside from the medical word that I don't 13 know what it means -- but if you do you can tell me -- 14 is that accurate? 15 A. Yes. 16 Q. And then it says, "also poor focus at times 17 because of anxiety/thoughts jumping around"; is that 18 correct? 19 A. Yes. 20 Q. And then it says, "works from home so she 21 can watch her son but he's growing more -- 22 growing/more active and this is becoming more of a 23 challenge"; is that correct? 24 A. Correct. 25 Q. So this is from January 2018, and then it	1 that correct? 2 A. Yes. [REDACTED] 8 A. Correct. 9 Q. Then it goes on to say, "Past Psychiatric 10 History." Do you see where I am? 11 A. Yes. 12 Q. And it says, "Hx," which I think might be 13 history, "of symptoms on/off throughout adult life." 14 Do you see that? 15 A. Yes. 16 Q. And you think that's not correct? 17 A. No. 18 Q. What do you mean "no"? 19 A. Because it wasn't -- it wasn't that kind of 20 situation. My mom and -- my mom and dad -- [REDACTED]
1 was only up until 11 weeks ago you started getting 2 more help outside of yourself and your husband for 3 watching your son during the day? 4 A. Correct. 5 Q. Then the next thing is it goes on to say, 6 "denies any specific stressors/changes. Does note not 7 feeling satisfied with where she is in life. 'I have 8 so many ideas,' end quote. Says she cannot focus or 9 pursue any of her goals [REDACTED] Do you 10 see that? 11 A. Yes. 12 Q. Is that accurate? 13 A. Yes. 14 Q. And was that before you were doing your 15 coursework at Strayer University? 16 A. Yes. 17 Q. It goes on to say, "patient describes 18 herself as very private. [REDACTED] 20 mother as well, but their response is to give her space, and she often can be short/easily irritated, which pushes them away"; is that correct? 23 A. Yes. 24 Q. And then it says, [REDACTED]; is	1 Q. When you say it was being forced on you, 2 what do you mean? 3 A. Like my -- people trying to make it seem 4 like I was a certain way. Like I have a stigma on me 5 that I have an attitude or that type of thing, where I 6 don't. [REDACTED] 9 A. No. 10 Q. So when you said that they were trying to put it on you -- tell me if I'm misstating things -- 11 when you said they were trying to put it on you so 12 that you would talk to someone about it, what did you 13 mean about so that you would talk to someone about it? [REDACTED] 20 go stay with my grandmom. 21 Q. And how old were you approximately when 22 this was happening? 23 A. I don't know. Sixteen maybe. [REDACTED]

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25

**A. No.**

25

25 take it?

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5 A. Ebony Cross.  
6 Q. Dr. Cross?

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11 Do you take Peyton to a pediatrician?  
12 A. No. I took Peyton the last time -- I took  
13 Peyton on -- in March for the first time since he was  
14 six months, because I was thinking about putting him  
in daycare and he needed shots.

16 A. Yes.  
17 Q. So he was about two and a half years old  
18 when you took him to the pediatrician; is that  
19 correct?

20 A. Yes.  
21 Q. Was he diagnosed with anything when you  
22 took him to the pediatrician?  
23 A. No.  
24 Q. Does he have any developmental or  
25 neurological delays?

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1	A. No. I'm not a doctor, but --	1 and I'm going to advise you not to answer that
2	Q. That you know of.	2 question.
3	A. No, I don't think -- I think he's a normal	3 Q. So you're going to accept your counsel's
4	three-year-old, I guess.	4 instruction not to answer?
5	Q. When you took him to the pediatrician about	5 A. Yes.
6	six months ago, was he measuring on anticipated	6 Q. So we looked in these records from
7	schedule?	7 Dr. Smith, and I could not find any mention of
8	A. Yes.	8 Dr. Akoda. Did you mention your experience with
9	Q. Did you take him to the pediatrician when	9 Dr. Akoda to Dr. Smith?
10	he was an infant?	10 A. Yes.
11	A. Yes.	11 Q. What did you tell her?
12	Q. And when you took him last six months ago,	12 A. I just told her that I felt uncomfortable
13	how long had it been since you had taken him to the	13 and that I was touched in a way that I felt was
14	pediatrician before that?	14 inappropriate and I didn't know how to deal with it.
15	A. He was six months.	15 Q. Did you tell her by whom?
16	Q. When he was six months old?	16 A. No.
17	A. Mm-hmm.	17 Q. Did you explain to her that it was during
18	Q. Okay. Did you take him back to the same	18 your delivery of your son?
19	pediatrician when he was two and a half?	19 A. Mm-hmm, yes.
20	A. Yes.	20 Q. Yes? You said you felt uncomfortable and
21	Q. In the document that I've handed you marked	21 you believed you were touched inappropriately; is that
22	as Exhibit 3, on the page ending 5743 -- so that was	22 correct?
23	the page we were just last looking at -- in the middle	23 A. Yes.
24	there's a section that says [REDACTED] Do you	24 Q. Did you say something else too? I may not
25	see that?	25 have gotten it down.
	Page 127	Page 129
1	A. Mm-hmm.	1 A. No, that's what I said.
2	Q. And then there's a section that says [REDACTED]	2 Q. Do you believe you told her the name
3	[REDACTED] Do you see where I am?	3 Dr. Akoda at that time?
4	A. Yes.	4 A. No.
5	Q. And it says, [REDACTED]	5 Q. Did you believe you told her that it was
6	[REDACTED] Do you see that?	6 your obstetrician/gynecologist at the time?
7	A. Yes.	7 A. I told her during the delivery of my son.
8	Q. Is that referring to [REDACTED]	8 Q. And did you mention it was a doctor?
9	A. Yes.	9 A. Mm-hmm, yes.
10	[REDACTED]	10 Q. Is that yes? Thank you.
11	[REDACTED]	11 Within the same Exhibit 3, if you could turn
12	A. No.	12 back to the page ending in 5741, which is just
13	MR. CERYES: I'm going to object and advise	13 flipping it back a page, there's a section that says
14	you not to answer any questions [REDACTED]	14 "Obstetric History." Do you see that?
15	[REDACTED]	15 A. Mm-hmm.
16	A. Oh. Sorry.	16 Q. Is that a yes?
17	MR. CERYES: Okay.	17 A. Yes.
18	Q. Were you working at the time in January	18 Q. And it says, "Obstetric History." "The
19	2018 when you went to go see Dr. Smith --	19 patient has not been asked about pregnancy." Do you
20	A. Yes.	20 see that?
21	Q. -- for BlueCross BlueShield?	21 A. Mm-hmm, yes.
22	A. Yes.	22 Q. And you believe that's incorrect; you did
23	[REDACTED]	23 talk about your labor and delivery at least?
24	MR. CERYES: Objection, form, foundation.	24
25	MR. CERYES: Objection, form, foundation,	25 You can answer.

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1 A. Yes. She didn't ask. 2 Q. She didn't ask? 3 A. Right, she didn't ask, but I told her why I 4 was feeling the way that I was feeling. 5 Q. Okay. And you explained to her that it was 6 connected with your obstetric history? 7 A. Yes. 8 Q. Did she say anything in response to you 9 when you told her that you had felt uncomfortable or 10 you were touched inappropriately during your delivery 11 of Peyton? 12 A. Just about how I felt about it and how I 13 felt it was affecting me, and I just told her that I 14 didn't want to be touched. And I also explained 15 how -- to her how it was affecting my relationship 16 with my husband. 17 Q. What did you tell her in January of 2018 18 about how your experience during your delivery of 19 Peyton has affected your relationship with your 20 husband? 21 A. Because I don't want anybody to touch me, 22 and we wanted to have another baby, so that was not an 23 option anymore. 24 Q. Is that still the case? 25 A. Yes.	1 A. He was -- he was, like, fondling my 2 clitoris, saying that he needed to do that in order to 3 stimulate me to push the baby. 4 Q. And he verbalized that to you? 5 A. Yeah, because my husband asked him what was 6 he doing. 7 Q. And were your husband and mother and the 8 delivery nurses in the room at the same time this was 9 occurring? 10 A. Yes. I don't -- I don't remember if the 11 delivery nurse was in there, but my husband for sure 12 and my mother for sure. 13 Q. Was this during the time that your husband 14 was standing next to Dr. Akoda? 15 A. Yes. 16 Q. And so was the delivery nurse holding one 17 of your legs at that time? 18 MR. CERYES: Objection, foundation. 19 Q. Well, we talked about it earlier. I can 20 restate the question. 21 A. Yes. Yes. 22 Q. So during the time your husband was 23 standing -- 24 A. I'm not -- see, I'm not one hundred percent 25 sure because there was a point where they were holding
Page 131	Page 133
1 Q. When's the last time you engaged in sexual 2 relations with your husband? 3 A. Eight months ago. 4 Q. From now? 5 A. Yeah. 6 Q. Eight months ago prior? Are you still 7 trying to have a baby? 8 A. No. 9 Q. Did you want to have a baby in January of 10 2018 when you met with Dr. Smith? 11 A. Well, we wanted to -- after I had my son, 12 that was -- I no longer wanted to have another baby. 13 Q. So if I can say it back to you, and you can 14 tell me if I said it the right way. 15 So is it fair to say that, prior to having 16 Peyton, you had intended to have more than one child, 17 but after having delivered him you only wanted to stay 18 with having one child? 19 A. Correct. 20 Q. And we've made some vague references to 21 it -- and I know this may not be the easiest thing to 22 talk about -- but for the record and just so that I 23 fully understand, can you please describe to me the 24 experience with Dr. Akoda that you're talking about 25 with him touching you during your delivery?	1 my legs and there was a point where we were just 2 laying there, he was trying to get me to relax and to 3 push. So I don't really know if the nurse was in 4 there at that particular moment. 5 Q. Okay. And was it one moment when this 6 happened with Dr. Akoda? 7 A. I mean, he -- no. He did it several times, 8 but it was only spoken of one time because he made it 9 seem like that was the normal. 10 Q. Did your husband ask him about it the first 11 time that it happened? 12 A. Mm-hmm. 13 Q. Is that a yes? 14 A. Yes. 15 MR. CERYES: Let us know if you need to 16 take a break at any time. 17 A. I'm all right. 18 MR. CERYES: Okay. I'll get some tissues. 19 MS. MCENROE: Do we have a box? 20 A. Thank you. 21 Q. When Dr. Akoda was stimulating your 22 clitoris, how long did each instance of that last, do 23 you know? 24 A. I don't know. A few seconds maybe. 25 Q. And do you have an estimation of how many

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1 times that happened?	1 Q. Do you have any reason to think you didn't?
2 A. Several.	2 A. No.
3 Q. Were you ever alone with Dr. Akoda in the	3 Q. And there's -- it then says "encounter
4 room?	4 documentation." Do you see that? Right above --
5 A. No.	5 A. Yes.
6 Q. Other than taking Pitocin -- which was used	6 Q. -- where it says scheduled telephone --
7 to start your induction, correct?	7 "medication management visit." Do you see that?
8 A. Yes.	8 A. Yes.
9 Q. -- and the experience we were just talking	9 Q. And it says, "patient called for scheduled
10 about with Dr. Akoda, did your medical professional	10 follow-up, symptoms assessment and medication review."
11 team try any other ways to help speed along your	11 Does that refresh your recollection of having spoken
12 delivery?	12 to Dr. Smith?
13 A. No.	13 A. Yes.
14 Q. Did they feed you spicy food? I don't	14 Q. "Chart and history reviewed.
15 know. Just anything you can remember.	15 [REDACTED]
16 A. No, no.	16 [REDACTED]
17 Q. Okay. Do you know if they continued	17 [REDACTED]
18 treating you with Pitocin as you were pushing?	18 [REDACTED]
19 A. I don't remember.	19 [REDACTED]
20 Q. If you remember.	20 [REDACTED]
21 A. I don't remember.	21 [REDACTED]
22 Q. Is your mother married?	22 [REDACTED]
23 A. No.	23 [REDACTED]
24 Q. Does she have a boyfriend?	24 [REDACTED]
25 A. Yes.	25 A. Yes.
Page 135	Page 137
1 Q. Has she had that boyfriend for a while?	1 [REDACTED]
2 A. Yes.	2 [REDACTED]
3 Q. For about how long?	3 A. Yes.
4 A. Over ten years.	4 Q. Because of those -- the side effects?
5 Q. Do you guys get along, you and your	5 A. Yes.
6 mother's boyfriend?	5 Q. It goes on to say:
7 A. He's okay.	6 [REDACTED]
8 Q. Directing you back to the exhibit we were	7 [REDACTED]
9 just looking at, which I think was Exhibit 3, take a	8 [REDACTED]
10 look at the page ending in 50. It's a little further	9 [REDACTED]
11 along in the document. Let me know when you get	10 [REDACTED]
12 there. And they are double-sided again.	11 [REDACTED]
13 A. Okay.	12 [REDACTED]
14 Q. Are you there?	13 Do you see that?
15 A. Mm-hmm. Yes.	14 A. Yes.
16 Q. And this in the middle of the page says,	15 Q. Is that all accurate?
17 "Telephone Contact Summary." Do you see that?	16 A. Yes.
18 A. Yes.	17 Q. Is the home that you were buying at that
19 Q. And it's from February 6th, 2018. Do you	18 time the home you now live in?
20 see that?	19 A. Yes.
21 A. Yes.	20 Q. At the time you delivered Peyton were you
22 Q. Do you believe you spoke with Dr. Smith in	21 dissatisfied with Dr. Akoda's care?
23 or around February 6th, 2018 by telephone?	22 A. Yes.
24 A. Yes, I guess. I mean, if she says so, I	23 Q. Tell me about that.
25 guess. I don't remember.	24 [REDACTED]

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<p>1 A. I felt like he was inappropriately touching      2 me, which made me uncomfortable for the rest of my      3 stay there.</p> <p>4 Q. Did you tell anybody about that?</p> <p>5 A. Outside of the people in the room, no.</p> <p>6 Q. When you say outside the people in the      7 room, did you tell anybody about that who was in the      8 room?</p> <p>9 A. No. Well, my husband was there, and I told      10 my mom. And she really didn't know, like, she wasn't      11 fully aware of what was going on until we explained it      12 to her.</p> <p>13 Q. Okay. Even though she had been present in      14 the room?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. That's a yes?</p> <p>17 A. Yes.</p> <p>18 Q. And did your husband, do you know, if he      19 said anything to anybody about Dr. Akoda's conduct      20 that you've described while you were at the hospital?</p> <p>21 A. No, not that I'm aware of.</p> <p>22 Q. Have you ever spoken to an ob/gyn about the      23 treatment you got from Dr. Akoda?</p> <p>24 A. No.</p> <p>25 Q. Have you ever talked to any psychiatrist or</p>	<p>1 AFTERNOON SESSION</p> <p>2 VIDEO SPECIALIST: We're back on the record      3 at 1:44.</p> <p>4 EXAMINATION (resumed)</p> <p>5 BY MS. MCENROE:</p> <p>6 Q. Good afternoon, Ms. Evans.</p> <p>7 A. Good afternoon.</p> <p>8 Q. You understand you're still under oath?</p> <p>9 A. Yes.</p> <p>10 Q. And you need to still tell the truth?</p> <p>11 A. Yes.</p> <p>12 Q. What did you do, if anything, to prepare      13 for today's deposition?</p> <p>14 A. Nothing.</p> <p>15 Q. Did you meet with counsel?</p> <p>16 A. Oh, we had a phone call just about dates      17 and times.</p> <p>18 MR. CERYES: Don't discuss any information      19 about what we discussed, but I'll let you share that.</p> <p>20 A. No, we just talked about what time to be      21 there and that time of situation.</p> <p>22 Q. And when did you speak with counsel about      23 the deposition?</p> <p>24 A. Yesterday.</p> <p>25 Q. For how long?</p>
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<p>1 psychologist about the details of treatment from      2 Dr. Akoda?</p> <p>3 A. Yes.</p> <p>4 Q. Have you ever gotten a medical opinion from      5 any of them on the medical treatment from Dr. Akoda?</p> <p>6 A. No.</p> <p>7 MS. MCENROE: So it's about 1:00. It might      8 be a good time to take a lunch break.</p> <p>9 VIDEO SPECIALIST: We're going off the      10 record at 1:04.</p> <p>11 (Proceedings recessed)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 A. Fifteen, 20 minutes.</p> <p>2 Q. Is yesterday the first you had learned that      3 you were going to be deposed in this case?</p> <p>4 A. No.</p> <p>5 MR. CERYES: I'm going to object. I think      6 we're getting into attorney-client privileged      7 material.</p> <p>8 MS. MCENROE: Sure. That's not my      9 intention. So let me just restate it this way.</p> <p>10 Q. Prior to your short phone call yesterday,      11 had you previously prepared for today's deposition by      12 speaking with counsel?</p> <p>13 A. No. I just received the phone call that I      14 would be getting a phone call yesterday about the      15 deposition today.</p> <p>16 Q. Okay. Did you do anything to prepare for      17 your deposition in the Dimensions matter?</p> <p>18 A. No.</p> <p>19 Q. Did you review any documents in preparation      20 for today?</p> <p>21 A. No, nothing that I already didn't have.</p> <p>22 Q. And what do you already have about this      23 case?</p> <p>24 A. Nothing particular to this case, but I      25 reviewed my previous deposition.</p>

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1 Q. So you have a copy of that deposition 2 transcript? 3 A. Yes. 4 Q. And you reviewed that deposition transcript 5 before your deposition today? 6 A. Mm-hmm. 7 Q. Is that a yes? 8 A. Yes, ma'am. Sorry. 9 Q. Do you have a copy of the complaint in this 10 case? 11 A. I don't have my own copy, no. 12 Q. Have you reviewed it recently? 13 A. Yes. 14 Q. Do you remember when you most recently saw 15 the complaint in this case? 16 A. No. 17 MR. CERYES: Object. Again, I think we're 18 getting into attorney-client material. I'm not sure 19 any of this is relevant or discoverable. 20 MS. MCENROE: Well, it's publicly available 21 information. The complaint can be found online. 22 MR. CERYES: Sure. 23 MS. MCENROE: I'm just -- 24 Q. I'm not trying to ask what your counsel 25 told you, but you don't personally have a copy of the	1 gotten to the point where she has retained counsel, 2 and in terms of any other communication she has had 3 with her firm, that was for purposes of being 4 represented in this matter. 5 MS. MCENROE: Right. 6 MR. CERYES: So the details, the times and 7 the dates -- 8 MS. MCENROE: -- is not privileged. It's 9 all information that should be on a privilege log or 10 could be put on a privilege log, if you were doing 11 that. 12 So I didn't ask her what you talked about or 13 what you told her. I'm just asking if she met with 14 anybody in person after she spoke to them on the 15 telephone. 16 MR. CERYES: I'll let you answer that 17 question. 18 A. Yes. 19 Q. Do you remember when that was? 20 A. I do not. 21 Q. Until you first communicated with 22 counsel -- strike that. 23 Do you have any understanding of whether or not 24 Dr. Akoda has pleaded guilty to any crimes in a court 25 of law?
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1 complaint in this case? 2 A. No. 3 Q. Did you read and verify it before it was 4 filed? 5 A. Read and verify? 6 Q. Yeah. 7 A. I believe it was shown to me, yeah, before. 8 Q. Did you review it before it was filed? 9 A. Yes. 10 (Clarification by reporter.) 11 Q. We discussed earlier today that you met 12 your counsel as a result of a radio ad that you heard; 13 is that correct? 14 A. Yes. 15 Q. And first your husband heard the radio ad 16 and then you heard the radio ad; is that accurate? 17 A. Yes. 18 Q. Thereafter, how did you make contact with 19 counsel? 20 A. I called him. 21 Q. On the telephone? 22 A. Yes, ma'am. 23 Q. Did you meet anybody in person? 24 MS. MCENROE: That's not privileged. 25 MR. CERYES: I think it is. I think we've	1 A. Yes. 2 Q. Could you tell me about that? 3 A. I saw on the Internet that he got six 4 months in jail. 5 Q. Do you know for what? 6 A. No. I'm not exactly sure what he was 7 charged with. 8 Q. So have you read the indictment? 9 A. No, I haven't read it. 10 Q. Have you read his guilty plea? 11 A. No. 12 Q. Do you have any understanding of whether or 13 not he was found to have committed Social Security 14 fraud? 15 A. No, I do not. 16 Q. Do you have any understanding of whether or 17 not his criminal conviction had anything to do with 18 practicing medicine without a license? 19 A. I do not. 20 Q. You don't know one way or the other? 21 A. No. 22 Q. Did you ever look into that? 23 A. Briefly. I just saw that he got six months 24 in jail, but I don't know anything -- anything in 25 depth about it.

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<p>1 Q. Did you read an article about him getting 2 six months in jail?</p> <p>3 A. I saw it on the news and then I looked it 4 up.</p> <p>5 Q. You saw it on the news on the television?</p> <p>6 A. Yes.</p> <p>7 Q. And when you say you saw it on the news, do 8 you recall what news station you were watching?</p> <p>9 A. No, just local news.</p> <p>10 Q. Do you watch a particular station?</p> <p>11 A. Fox, I guess.</p> <p>12 Q. And you don't believe that they mentioned 13 what he actually went to jail for?</p> <p>14 A. If they do -- if they did, I don't recall.</p> <p>15 I just remember the timing, six months. That's what 16 stuck out to me.</p> <p>17 Q. The six months?</p> <p>18 A. Yep.</p> <p>19 Q. But not what it was that he was -- actually 20 pleaded guilty to.</p> <p>21 A. Right. I know it wasn't what he did to me.</p> <p>22 Q. What do you mean by that?</p> <p>23 A. I wasn't -- for how I felt that I was 24 treated, I know that he wasn't in jail for that, so 25 that was my concern.</p>	<p>1 serving six months in jail; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you know how long it was in between 4 those two things?</p> <p>5 A. No.</p> <p>6 Q. Were they close in time?</p> <p>7 A. I mean, everything happened pretty fast, so 8 I would say so. I would say -- I would say within two 9 months or so.</p> <p>10 Q. Until you had heard the radio ad for the 11 law firm, had you had any suspicion that Dr. Akoda did 12 not go to medical school?</p> <p>13 A. No.</p> <p>14 Q. And until you had heard the radio ad, did 15 you have any reason to believe that Dr. Akoda was not 16 a licensed physician?</p> <p>17 A. No.</p> <p>18 (Exhibit 4 marked for 19 identification: Civil Action re 20 Russell, et al. v. ECFMG)</p> <p>21 MS. MCENROE: Do you want a copy for Paul 22 also?</p> <p>23 MR. CERYES: No, that's okay.</p> <p>24 Q. Ms. Evans, I'm handing you what has been 25 marked as Exhibit 4. Do you recognize this document?</p>
<p style="text-align: center;">Page 147</p> <p>1 Q. Did you ever pursue trying to have criminal 2 charges brought up against him for what he did to you?</p> <p>3 A. No. I -- no.</p> <p>4 Q. Did you ever pursue a medical malpractice 5 suit against Dr. Akoda?</p> <p>6 A. No.</p> <p>7 Q. Did you ever pursue litigation or a lawsuit 8 against Dr. Akoda himself?</p> <p>9 A. No.</p> <p>10 Q. Sitting here today, do you know where 11 Dr. Akoda went to medical school?</p> <p>12 A. No.</p> <p>13 Q. Sitting here today, do you know whether 14 Dr. Akoda went to medical school?</p> <p>15 A. No.</p> <p>16 Q. Sitting here today -- strike that.</p> <p>17 Until you had heard or -- strike that.</p> <p>18 Comparing the timing between when you heard the 19 radio ad and when you saw on the news that Dr. Akoda 20 had gone to jail, which happened first?</p> <p>21 A. The radio ad.</p> <p>22 Q. To make sure I'm understanding, so you 23 first contacted counsel in connection with the lawsuit 24 against Dimensions and then eventually ECFMG before 25 you heard about Dr. Akoda having pleaded guilty and</p>	<p style="text-align: center;">Page 149</p> <p>1 You can take a minute and look at it.</p> <p>2 A. Yes.</p> <p>3 Q. What is it?</p> <p>4 A. The complaint.</p> <p>5 Q. So this is the complaint in the lawsuit 6 that you and some others have filed against the 7 Educational Commission for Foreign Medical Graduates, 8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. And just so the record is clear, this is 11 the Philadelphia Court of Common Pleas complaint that 12 has since been removed to federal court.</p> <p>13 And, Ms. Evans, you testified that you saw this 14 before it was filed, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And I'd like to direct your attention 17 within that document -- it might be easier to find it 18 from the back. Actually it may be the very last page. 19 If you flip all the way to the very last page, 20 the back of the documents, I think it's the page after 21 that one you're looking at. Is that your signature?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And at the top of it, it says 24 "Verification." Do you see that?</p> <p>25 A. Yes.</p>

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<p>1 Q. And it says, "I verify that the statements 2 made in this complaint are true and correct to the 3 best of my knowledge and belief." Do you see that? 4 A. Yes. 5 Q. "I understand that false statements herein 6 are made subject to the penalties of 18 Pa. C.S. 7 Section 4904 relating to unsworn falsification to 8 authorities." Do you see that? 9 A. Yes. 10 Q. It's dated November 9th, 2018, and that's 11 your signature, correct? 12 A. Yes. 13 Q. So earlier I had asked if you had reviewed 14 and verified the complaint. Does this refresh your 15 recollection that you did verify the complaint? 16 A. Yes. 17 Q. Is it still your belief today that the 18 information about which you have knowledge and belief 19 that's contained in the complaint is true and 20 accurate? 21 A. Yes. 22 Q. Are there things contained in the complaint 23 as you recall it that you did not have knowledge or 24 belief about? 25 A. No.</p>	<p>1 Q. It's on page 9. 2 A. Okay. 3 Q. That paragraph reads: 4 "The Plaintiff Desire Evans was a 5 patient of Igberase on or about March 6 17th, 2016. Igberase delivered her 7 child on that date at Prince George's 8 Hospital Center." 9 Do you see that? 10 A. Yes. 11 Q. And Ms. Desire Evans, that's referring to 12 you; is that correct? 13 A. Yes. 14 Q. And do you understand that Dr. Igberase is 15 another way to refer to Dr. Akoda as used in this 16 complaint? 17 A. Yes. 18 Q. So is that correct as written in paragraph 19 43? 20 A. Yes. 21 Q. All right. So I want to direct you -- 22 sorry. We're going to hop around in this document a 23 little bit. 24 I want to direct you all the way back to the 25 beginning of the complaint, so it will be page 2 at</p>
<p style="text-align: center;">Page 151</p> <p>1 Q. So the information in here is all stuff you 2 knew to be true yourself? 3 MR. CERYES: Objection, form, foundation. 4 A. From what I read through, yes. I didn't 5 find anything that I didn't agree with. 6 Q. I see. So is it fair, just to make sure I 7 understand, to say that you had no reason to disagree 8 with any of the information in here? 9 A. Correct. 10 Q. But is it also fair to say that there are 11 some things in here about which you did not have 12 personal independent knowledge? 13 A. Correct. 14 Q. Okay. Sitting here today, do you know of 15 anything contained in the complaint that you now 16 believe to be false or inaccurate? 17 A. No. 18 Q. I'd like to direct your attention, you'll 19 see within the document there are paragraph numbers, 20 so if you keep flipping until the meat of the 21 complaint gets started, there are paragraph numbers. 22 Could you please flip to paragraph 43? 23 That paragraph reads -- are you there? I'll 24 give you a second. 25 A. One second.</p>	<p style="text-align: center;">Page 153</p> <p>1 the bottom. And you'll see there's a heading that 2 says "Class Action Civil Complaint." Do you see that? 3 A. Yes. 4 Q. And there are a number of plaintiffs 5 listed, including Desire Evans. Do you see that? 6 A. Yes. 7 Q. And then it says, "on their own behalf and 8 on behalf of all others similarly situated through 9 their undersigned attorneys." Do you see that? 10 A. Yes. 11 Q. Do you have an understanding of what that 12 means, the on their own behalf and on behalf of all 13 others similarly situated? 14 A. Yes. 15 Q. What does that mean? 16 A. Not only am I speaking for myself but 17 everyone who was affected. 18 Q. And when you say "everyone who was 19 affected," what do you mean? 20 A. Everyone who was affected by Dr. Akoda 21 Igberase, whatever -- everyone that was affected by 22 his actions. 23 Q. When you say "affected by his actions," 24 what do you mean? 25 A. Everyone that -- everyone that he treated,</p>

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<p>1 everyone who saw him, everyone who -- all of his      2 patients.</p> <p>3 Q. Do you think that all of his patients had      4 the same experience you did?</p> <p>5 A. I don't know.</p> <p>6 Q. Have you ever spoken to any of Dr. Akoda or      7 Dr. Igberase's other patients?</p> <p>8 A. No.</p> <p>9 Q. Have you ever met another person who has      10 been treated or had seen Dr. Akoda?</p> <p>11 A. No.</p> <p>12 Q. And I'm going to use the name Dr. Akoda,      13 but you understand that's also to include      14 Dr. Igberase, as we've been discussing?</p> <p>15 A. Mm-hmm, yes.</p> <p>16 Q. I'd like to direct you back to paragraph      17 44. So that's on the top of page 10 of the complaint.      18 Do you see where I am?</p> <p>19 A. Yes.</p> <p>20 Q. It reads:      21 "The Plaintiffs and others similarly      22 situated chose Igberase, who they      23 knew as Akoda, as their      24 obstetrician/gynecologist, on the      25 basis of their belief that Akoda had</p>	<p>1 but rather knew him as Akoda." Do you see that?      2 A. Yes.</p> <p>3 Q. Is it true that you knew Dr. Igberase as      4 Dr. Akoda?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know if anybody else knew of      7 Dr. Akoda actually being Dr. Igberase when they were      8 treated by him?</p> <p>9 MR. CERYES: Objection, form, foundation.</p> <p>10 A. I'm not aware.</p> <p>11 MS. MCENROE: Well, it says none of the      12 patients knew and she's a plaintiff in this case.</p> <p>13 MR. CERYES: But you said anyone, not just      14 patients, which would refer potentially to ECFMG      15 personnel.</p> <p>16 Q. Sure. So let me -- let me restate that.      17 Do you know if any of Dr. Igberase's patients      18 knew he was Dr. Igberase when he was using the name      19 Dr. Akoda?</p> <p>20 A. I'm not -- I've never spoken to anyone      21 else.</p> <p>22 Q. Do you know about any consents that      23 Dr. Igberase or Dr. Akoda's patients provided to him      24 in connection with their treatment?</p> <p>25 A. No.</p>
<p>1 obtained all necessary credentials      2 and certifications required of      3 physicians practicing in the      4 United States, including      5 certification from ECFMG."</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Is that true of yourself?</p> <p>9 A. No.</p> <p>10 Q. What do you mean by that?</p> <p>11 A. I didn't choose Dr. Akoda.</p> <p>12 Q. Did you have any knowledge about his      13 credentials when he came to start treating you?</p> <p>14 A. No.</p> <p>15 MR. CERYES: Objection, form, foundation.</p> <p>16 Q. Did you have any knowledge about his      17 certifications when he came to treat you?</p> <p>18 A. No.</p> <p>19 Q. I'd like to direct you to paragraph 45, so      20 I'm just going to keep reading, if you're on the same      21 page.</p> <p>22 It says, "None of Igberase's patients,      23 including those at Howard University Hospital, Prince      24 George's Hospital Center, and the medical practice of      25 Abdul G. Chaudry, M.D., knew Igberase's true identity</p>	<p>155</p> <p>1 Q. I'd like to direct you to paragraph 47.      2 It's still on page 10. It starts:      3 "On many occasions, Igberase      4 penetrated his patients with parts of      5 his body through the vaginal canal      6 and through the stomach in performing      7 medical services. Additionally,      8 Igberase performed inappropriate      9 examinations of a sexual nature while      10 utilizing inappropriate and explicit      11 sexual language.      12 Igberase's penetrations of his      13 patients were clear boundary      14 violations."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So I have a couple questions. I just want      18 to clarify. It says with parts of his body that he      19 penetrated his patients. Did Dr. Akoda penetrate you      20 with anything other than his hands or his fingers?</p> <p>21 A. No.</p> <p>22 Q. He didn't ever penetrate you with his      23 penis?</p> <p>24 A. No.</p> <p>25 Q. And when it says that he penetrated you</p>

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<p>1 through the stomach, was that in connection with      2 performing a C-section?      3       A. Yes.      4       Q. Did Dr. Igberase use explicit sexual      5 language with you?      6       A. I felt the language was inappropriate,      7 calling me "Baby" and "Mama" and stuff like that.      8       Q. So besides calling you "Baby" and "Mama,"      9 was there any other inappropriate language that      10 Dr. Akoda used with you?      11      A. No.      12      Q. I'm sorry. I didn't hear you.      13      A. No. I'm sorry.      14      Q. Thank you. The last sentence in that      15 paragraph says, "Igberase's penetrations of his      16 patients were clear boundary violations." Do you see      17 that?      18      A. Yes.      19      Q. Did the words "clear boundary violations"      20 come from you? Are those words you used?      21      A. I didn't say them.      22      Q. Do you know what's meant here by "clear      23 boundary violations"?      24      A. Yeah.      25      Q. What?</p>	<p>1 and/or treated in any manner by Oluwafemi Charles      2 Igberase," and then in parentheses it says "(a/k/a      3 Charles J. Akoda M.D.)." Do you see that?      4       A. Yes.      5       Q. And we already talked about that you have      6 not met any other person who is defined in that class;      7 is that correct?      8       A. Correct.      9       Q. Have you ever spoken or corresponded with      10 anybody else that is defined in that class that you      11 know of?      12      A. No.      13      Q. Have you ever met with, in person or on a      14 videoconference or by telephone, anybody else who is      15 defined in that class that you know of?      16      A. No.      17      MR. CERYES: Objection, asked and answered.      18      Q. Moving along to page 11, paragraph 54 says,      19 "Named Plaintiffs will fairly and adequately assert      20 and protect the interests of the Class under the      21 criteria set forth in Rule 1709. The interests of      22 named Plaintiffs and of all other members of the Class      23 are identical." Do you see that?      24      A. Yes.      25      Q. Do you know if your interests and those of</p>
<p style="text-align: center;">Page 159</p> <p>1       A. Touching, touching someone and talking to      2 them in the way that he did is not -- is a boundary      3 violation between patient and provider, so 100      4 percent.      5       Q. Are you characterizing your C-section as a      6 boundary violation?      7       A. I'm characterizing the way that he touched      8 me prior to my C-section being a boundary violation.      9       Q. And when you say that, are you specifically      10 referring to the clitoral stimulation?      11      A. Yes.      12      Q. To any other part of his treatment?      13      MR. CERYES: Objection, foundation.      14      You can answer.      15      A. No.      16      Q. Moving on to paragraph 48, still on page      17 10, you'll see there's a heading that says "Class      18 Action Allegations P.a. Rule 1702." Do you see where      19 that is?      20      A. Yes.      21      Q. Paragraph 48 says, "Named Plaintiffs bring      22 this action on behalf of a class which consists of."      23 Do you see where I am?      24      A. Yes.      25      Q. And then it says, "All patients examined</p>	<p style="text-align: center;">Page 161</p> <p>1 everybody else who has been treated by Dr. Akoda are      2 identical?      3       MR. CERYES: Objection, form, foundation.      4       A. I don't know.      5       Q. Do you know if any of Dr. Akoda's patients      6 were satisfied with his treatment?      7       A. I don't know.      8       Q. Do you think it's possible?      9       MR. CERYES: Objection, form, foundation.      10      A. I don't know.      11      MR. CERYES: Calls for speculation.      12      Q. In paragraph 55 it says, "Named Plaintiffs      13 are cognizant of their duties and responsibilities to      14 the Class." Do you see that?      15      A. Yes, ma'am.      16      Q. Earlier today I think I asked you if you      17 knew what your responsibilities were as a Named      18 Plaintiff. Do you remember that?      19      A. Yes, ma'am.      20      Q. What are those responsibilities?      21      A. Just to give my account to the best of my      22 knowledge and to represent everyone else that feels      23 the same.      24      Q. Did you also provide any input for      25 discovery responses in this case?</p>

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<p>1        A. Did I do what?</p> <p>2        Q. Provide input for any discovery responses</p> <p>3        in this case.</p> <p>4        A. I don't understand that question.</p> <p>5            MR. CERYES: Objection to form.</p> <p>6        Q. Have you ever heard the word</p> <p>7        "interrogatories"?</p> <p>8        A. Yes. Oh, yes.</p> <p>9        Q. Did you provide any input to support the</p> <p>10       drafting of responses to interrogatories in this case?</p> <p>11       A. Yes.</p> <p>12       Q. Having done that and having given input on</p> <p>13       the complaint, which I think we talked about earlier</p> <p>14       today, have you done anything else in furtherance of</p> <p>15       your role as a named plaintiff in this lawsuit?</p> <p>16       A. No.</p> <p>17       Q. Aside from showing up today?</p> <p>18       A. Right. No, besides this kind of stuff</p> <p>19       here.</p> <p>20       Q. So I'd like to move to paragraph 65 at the</p> <p>21       bottom of page 12. It says:</p> <p>22            "The likelihood that individual</p> <p>23           members of the Class will prosecute</p> <p>24           separate actions is remote. Also,</p> <p>25           because most Class members do not</p>	<p>1        more diligently next time. Because this situation</p> <p>2        affected not only me but a lot of other people. And I</p> <p>3        believe that, if it was done correctly, that none of</p> <p>4        us would be going through this.</p> <p>5            So I just want whoever this person is to pay</p> <p>6        for what he's done, and I want -- I want the facility</p> <p>7        that is supposed to make sure these people are who</p> <p>8        they are, I want them to make sure that they are doing</p> <p>9        that.</p> <p>10       Q. When you refer to a male, "he," in your</p> <p>11       last answer, were you referring to saying about</p> <p>12       Dr. Akoda?</p> <p>13       A. Correct.</p> <p>14       Q. Are you specifically seeking money from</p> <p>15       ECFMG in this lawsuit?</p> <p>16       A. I'm not seeking --</p> <p>17            MR. CERYES: Objection, form, foundation.</p> <p>18       The complaint says what we're seeking on behalf of</p> <p>19       Ms. Evans and the Class.</p> <p>20            MS. MCENROE: I'm allowed to ask the</p> <p>21       witness about the damages she is seeking, if any.</p> <p>22       A. Yes. Yeah, because I missed work. I've</p> <p>23       had doctors' appointments. I've had a lot of things</p> <p>24       that I was affected by.</p> <p>25       Q. Have you done any calculation of how much</p>
<p>1        know that a claim against ECFMG</p> <p>2       exists."</p> <p>3       Did I read that correctly?</p> <p>4       A. Yes.</p> <p>5       Q. We talked earlier about the allegations in</p> <p>6       this lawsuit being about alleged boundary violations</p> <p>7       by Dr. Akoda; is that correct?</p> <p>8       A. Yes.</p> <p>9       Q. Is it your belief that members of the Class</p> <p>10       don't know that their boundaries were violated by</p> <p>11       Dr. Akoda?</p> <p>12       MR. CERYES: Objection, form, foundation.</p> <p>13       You can answer.</p> <p>14       A. No, I can't say that. I wouldn't imagine</p> <p>15       them joining a class if they didn't feel like their</p> <p>16       boundaries were violated.</p> <p>17       Q. Do you know if every single one of</p> <p>18       Dr. Akoda's patients feels as if they had their</p> <p>19       boundaries violated?</p> <p>20       A. I do not know that.</p> <p>21       Q. What are you hoping to get out of this</p> <p>22       lawsuit?</p> <p>23       MR. CERYES: Objection.</p> <p>24       A. What I'm hoping is for someone to take</p> <p>25       responsibility or maybe even do their job a little bit</p>	<p>1        money that is?</p> <p>2       A. No.</p> <p>3       Q. Have you collected up any invoices or bills</p> <p>4       from any of those experiences to be able to help</p> <p>5       catalog what that might be?</p> <p>6       A. I haven't collected them, but they're</p> <p>7       readily available, if I needed anything.</p> <p>8       Q. So what injury, if any, did you experience</p> <p>9       as a result of ECFMG's conduct?</p> <p>10       MR. CERYES: Objection, form, foundation,</p> <p>11       calls for somewhat of a legal conclusion, but you can</p> <p>12       answer.</p> <p>13       A. Okay. I feel that, because of them, I'm</p> <p>14       afraid to seek a doctor. I don't know who to trust.</p> <p>15       I don't know who to send my son to. Because if the</p> <p>16       places that are supposed to be doing these</p> <p>17       credentialing, if I can't trust what they're telling</p> <p>18       me, I don't really know how to do my own investigation</p> <p>19       to find out if a doctor is really a doctor or who they</p> <p>20       say they are. So it has diminished my trust in the</p> <p>21       medical profession.</p> <p>22       Q. Do you have a belief that Dr. Akoda is not</p> <p>23       a doctor?</p> <p>24       MR. CERYES: Objection.</p> <p>25       A. Yes.</p>

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<p>1       Q. From where did you get that belief?</p> <p>2       A. Well, from the fact that he's using two</p> <p>3       different names, we really don't even know who he is,</p> <p>4       so I don't know -- I can't say what he's done.</p> <p>5       Q. Right. But you used a different name</p> <p>6       before you got married, right?</p> <p>7       A. That's different. My name is going to</p> <p>8       change as a woman. Unless his name is hyphenated, I</p> <p>9       can't really see that is the same.</p> <p>10      Q. Do you think there are no scenarios in</p> <p>11     which someone could use a different name and still be</p> <p>12     a physician?</p> <p>13      MR. CERYES: Objection, form, foundation.</p> <p>14      A. Use a different name along with a different</p> <p>15     Social? No.</p> <p>16      Q. Do you know if any of the other physicians</p> <p>17     who have ever treated you have you ever had</p> <p>18     convictions for any crimes?</p> <p>19      A. No, I do not.</p> <p>20      Q. Do you know if any of them have ever been</p> <p>21     convicted for tax fraud?</p> <p>22      A. No, I do not.</p> <p>23      Q. Do you know if any of them have ever been</p> <p>24     convicted for not paying their housekeeper or their</p> <p>25     nanny aboveboard?</p>	<p>1       A. Yes.</p> <p>2       Q. Do you draw -- where do you draw the line</p> <p>3       compared to insurance fraud? Is that okay for a</p> <p>4       doctor or not okay for a doctor?</p> <p>5       A. No, I mean, nothing is okay. However, when</p> <p>6       you're dealing with other -- when you're dealing with</p> <p>7       people's lives and you're treating people, you should</p> <p>8       be who you say you are.</p> <p>9       So him having tax fraud has nothing to do with</p> <p>10      him faking his identity and telling me that he's</p> <p>11      somebody that he's not. It's not the same.</p> <p>12      So he should pay for whatever crime he commits,</p> <p>13      absolutely, but lying about your identity to become a</p> <p>14      doctor or whatever he did is a totally different</p> <p>15      situation.</p> <p>16      Q. Is that something you believe or something</p> <p>17      someone told you?</p> <p>18      A. That's what I believe.</p> <p>19      Q. And you think it's okay to be treated by a</p> <p>20      doctor who smoked pot?</p> <p>21      MR. CERYES: Objection, form, foundation,</p> <p>22      relevance.</p> <p>23      MS. MCENROE: Well, it's a violation of law</p> <p>24      and I'm allowed to explore. This is squarely at issue</p> <p>25      for the claims she has brought in this case.</p>
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<p>1       A. No, ma'am.</p> <p>2       Q. Do you know if any of them have ever smoked</p> <p>3       pot?</p> <p>4       A. No. No, ma'am.</p> <p>5       Q. Do you believe that doing any of those</p> <p>6       things would make them any less of a doctor than they</p> <p>7       were when they treated you?</p> <p>8       MR. CERYES: Objection, form.</p> <p>9       A. I don't think -- I don't think one has</p> <p>10      anything to do with the other, but no.</p> <p>11      Q. So Social Security fraud would have nothing</p> <p>12      to do with whether someone was actually a doctor.</p> <p>13      A. Using someone else's Social Security</p> <p>14      number? Absolutely. Because you don't know who that</p> <p>15      person is. You have no idea who you're dealing with.</p> <p>16      You're born with one Social Security number. That</p> <p>17      doesn't never change.</p> <p>18      Q. Do you know the process for a foreign-born</p> <p>19      individual to obtain a Social Security number in the</p> <p>20      United States?</p> <p>21      A. No, but I do believe, once you get it, it</p> <p>22      doesn't change.</p> <p>23      Q. Do you -- so you draw a line between a</p> <p>24      doctor committing tax fraud and a doctor committing</p> <p>25      Social Security fraud?</p>	<p>1       A. Depends on which state they live in because</p> <p>2       smoking pot is not illegal everywhere.</p> <p>3       Q. Is smoking pot legal in Maryland?</p> <p>4       A. No, but it's legal in D.C.</p> <p>5       Q. So it's not that you have an issue with</p> <p>6       your doctor breaking the law necessarily; it's that</p> <p>7       you have an issue specifically with Social Security</p> <p>8       fraud.</p> <p>9       MR. CERYES: Objection to form.</p> <p>10      A. I have -- I have an issue with not knowing</p> <p>11      who was treating me, yes.</p> <p>12      Q. But it's not an issue of whether the doctor</p> <p>13      has the skills to treat you; it's about whether the</p> <p>14      doctor is who they say they are when they're treating</p> <p>15      you. Is that right?</p> <p>16      MR. CERYES: Objection to form.</p> <p>17      A. I wouldn't know if they really had the</p> <p>18      skills if they're not using their correct identity.</p> <p>19      Q. So if a doctor cuts open your abdomen,</p> <p>20      completes a C-section, and mommy and baby both come</p> <p>21      out healthy, you doubt that that person is a doctor?</p> <p>22      MR. CERYES: Objection, form.</p> <p>23      A. Yeah.</p> <p>24      Q. And if someone completed a residency</p> <p>25      program, which is part of medical graduate education,</p>

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<p>1 you still doubt that that person's a doctor?</p> <p>2 MR. CERYES: Objection, form, foundation.</p> <p>3 A. Yes.</p> <p>4 Q. And if a person completed all the</p> <p>5 substantive examinations required to become a</p> <p>6 physician in the United States, do you still doubt</p> <p>7 that that person is a doctor?</p> <p>8 MR. CERYES: Objection to form, foundation.</p> <p>9 A. Yes, when you're using a different</p> <p>10 identity, who is to say it was the same person every</p> <p>11 time that they went to take the certification?</p> <p>12 Because obviously the facility is not checking to make</p> <p>13 sure this is the same person or to see if this person</p> <p>14 has been there before.</p> <p>15 So I don't know if that was the same person</p> <p>16 that took all of those residencies or that went</p> <p>17 through those programs. I have no idea.</p> <p>18 Q. So you are doubting that Dr. Akoda who</p> <p>19 completed the residency is not who actually delivered</p> <p>20 your baby?</p> <p>21 A. That's not what I'm saying. What I'm</p> <p>22 saying is, is that he could have gotten -- there's a</p> <p>23 lot of people who know how to deliver babies who</p> <p>24 didn't go through medical training, like it happens</p> <p>25 all the time. People give birth in the back of taxi</p>	<p>1 experience of Peyton before you heard the radio ad</p> <p>2 than you did after you heard the radio ad?</p> <p>3 A. No. That was the reason why my husband</p> <p>4 told me about the radio ad is because it was something</p> <p>5 that was in our discussion since we had Peyton and we</p> <p>6 didn't know how to deal with it.</p> <p>7 Q. What do you mean you didn't know how to</p> <p>8 deal with it?</p> <p>9 A. We didn't know what course we can take,</p> <p>10 whether what he did was wrong. We didn't know. We</p> <p>11 didn't know anything. We didn't know what to do, but</p> <p>12 we were both uncomfortable. I was uncomfortable and</p> <p>13 it affected me.</p> <p>14 So when he heard the ad about Dr. Akoda, he was</p> <p>15 like, oh, my God, this is probably what we were</p> <p>16 feeling the whole time, you know, like, so reach out</p> <p>17 to them because you're not the only person that he's</p> <p>18 done this to.</p> <p>19 So I wasn't even aware at the time that it was</p> <p>20 about him possibly not being a doctor. I thought it</p> <p>21 was about him touching women inappropriately, because</p> <p>22 that's how I felt, and that was my main -- my main</p> <p>23 issue at the beginning.</p> <p>24 Q. How did you feel when you got the</p> <p>25 impression that it was possibly about him not being a</p>
<p style="text-align: center;">Page 171</p> <p>1 cabs. It happens all the time. It's something that</p> <p>2 people can do.</p> <p>3 So he could have had some kind of other</p> <p>4 training, I'm not sure, but I don't know who he is and</p> <p>5 I don't know what school he went to. I don't know</p> <p>6 anything about that because he chose to use a</p> <p>7 different identity.</p> <p>8 Q. Did you ask any of those questions before</p> <p>9 he delivered your baby?</p> <p>10 A. I didn't know I had to.</p> <p>11 Q. Did -- have you ever heard of a taxi driver</p> <p>12 delivering a baby by C-section?</p> <p>13 A. No.</p> <p>14 Q. Have you ever heard of a taxi driver</p> <p>15 completing a residency program who is not a physician?</p> <p>16 A. Nope.</p> <p>17 Q. What do the words "excruciating emotional</p> <p>18 anguish" mean to you?</p> <p>19 A. How I feel when I have to talk about what</p> <p>20 Dr. Akoda did to me.</p> <p>21 Q. Are those your words? Are those words that</p> <p>22 you would use naturally?</p> <p>23 A. No. It's how I feel, though.</p> <p>24 Q. Trying to speed this up a little. Sorry.</p> <p>25 Did you feel differently about your birth</p>	<p style="text-align: center;">Page 173</p> <p>1 doctor?</p> <p>2 A. I felt even worse about it.</p> <p>3 Q. And if it had turned out that he actually</p> <p>4 was really a doctor, would that being told that maybe</p> <p>5 he wasn't really a doctor be part of what has made</p> <p>6 your experience worse since that time?</p> <p>7 MR. CERYES: Objection, form, foundation.</p> <p>8 A. So can you say it again?</p> <p>9 Q. So if it turns out that it was wrong that</p> <p>10 he was not a doctor, so he actually was a doctor, was</p> <p>11 having been told that he was not a doctor part of what</p> <p>12 caused you anguish since that time?</p> <p>13 MR. CERYES: Objection, form, foundation.</p> <p>14 A. I was already feeling anguish, but, yes, it</p> <p>15 made it worse.</p> <p>16 Q. How did you come to have the impression</p> <p>17 that Dr. Akoda may not have been a doctor?</p> <p>18 MR. CERYES: Objection, form, foundation.</p> <p>19 A. Through speaking to counsel.</p> <p>20 Q. Did you do any independent investigation</p> <p>21 about whether that was true?</p> <p>22 A. What, if Dr. Akoda wasn't actually a</p> <p>23 doctor?</p> <p>24 Q. Correct.</p> <p>25 A. I mean, I Googled it. I Googled him. And</p>

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<p>1 as I mentioned, I saw the news ad where he was 2 actually in jail, so...</p> <p>3 Q. But you mentioned earlier you didn't see 4 why he was in jail.</p> <p>5 A. No, but I saw that he was in jail.</p> <p>6 Q. So you didn't investigate about whether 7 that was for unlawful practice of medicine?</p> <p>8 A. No.</p> <p>9 Q. So did you do anything other than consult 10 with counsel to find out whether Dr. Akoda was a 11 doctor or not?</p> <p>12 A. No.</p> <p>13 Q. You just mentioned a moment ago that your 14 husband and yourself had discussed your experience 15 with Dr. Akoda following Peyton's birth; is that 16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Approximately how many times?</p> <p>19 A. It was quite -- it was quite often. It 20 was --</p> <p>21 Q. More frequently at one point than another 22 or consistently throughout?</p> <p>23 A. Consistently throughout.</p> <p>24 Q. Was this a daily conversation?</p> <p>25 A. I mean, not daily, but it was something</p>	<p>1 that. And then my husband -- me and my husband 2 explained to her what happened.</p> <p>3 Q. Did you discuss anything else?</p> <p>4 A. No.</p> <p>5 Q. Through your discussions with your husband 6 or with your mother, did you consider going to consult 7 legal counsel?</p> <p>8 A. We were thinking about it.</p> <p>9 Q. Did you ever consult with legal counsel 10 prior to hearing the radio ad?</p> <p>11 A. No.</p> <p>12 Q. Did you ever consult with another physician 13 other than Dr. Newton?</p> <p>14 A. No.</p> <p>15 Q. Did you consider going to consult with 16 another physician? I don't mean for medical 17 treatment. I mean regarding your experiences with 18 Dr. Akoda after your delivery with Peyton.</p> <p>19 A. No.</p> <p>20 Q. And Dr. Newton is your cousin, we discussed 21 earlier, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And have you discussed your experiences 24 with Dr. Akoda with Dr. Newton?</p> <p>25 A. At the very beginning, yes.</p>
Page 175	Page 177
<p>1 that -- that affected -- that affected us.</p> <p>2 Q. Did you discuss your experience with 3 Dr. Akoda from your birth with Peyton with your mother 4 following the birth of Peyton?</p> <p>5 A. Yes.</p> <p>6 Q. How frequently?</p> <p>7 A. Maybe three, four times.</p> <p>8 Q. When most recently?</p> <p>9 A. Most recently? Letting her know that I was 10 coming to a deposition.</p> <p>11 Q. Before that time, when most recently to 12 that?</p> <p>13 A. Oh. Maybe a few months ago.</p> <p>14 Q. And before that?</p> <p>15 A. Probably a few months before that. I can't 16 really say.</p> <p>17 Q. And do you remember after Peyton's birth 18 when the first time you spoke again with your mother 19 about Dr. Akoda's conduct was? Maybe how old Peyton 20 was, if that's helpful.</p> <p>21 A. I told -- we discussed it, like, as soon as 22 I got home.</p> <p>23 Q. Do you remember what you discussed?</p> <p>24 A. How -- what he did and how it made me feel uncomfortable. And then she said I didn't even notice</p>	<p>1 Q. When was that approximately?</p> <p>2 A. Maybe April 2016.</p> <p>3 Q. Do you remember what you talked about with 4 Dr. Newton?</p> <p>5 A. I was just explaining to him -- well, I was 6 asking him about how -- I was telling him that I felt 7 uncomfortable and I didn't really know if there was 8 anything that I could do about it or, like, should he 9 have done that, like, am I right for feeling this way. 10 I just wasn't -- I wasn't 100 percent sure if he would 11 even -- like, if that's really something that you do, 12 is that really how you stimulate for a baby to come out.</p> <p>13 Like I had no idea, so I was just trying to get 14 a little bit more information about if I -- what I was 15 feeling was -- what's the word I'm looking for -- not 16 accurate, but if what I was feeling was right. Was I 17 right in feeling that he wasn't supposed to treat me 18 like that, or he was violating his place, and he said 19 that he thought so.</p> <p>20 Q. What did Dr. Newton tell you?</p> <p>21 A. He said he thought -- he said he thought so. He said he wouldn't touch anyone that way.</p> <p>22 Q. He's an anesthesiologist, correct?</p> <p>23 A. Mm-hmm.</p>

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1 Q. Is that yes?	2 [REDACTED] A. No.
2 A. Yes.	3 Q. Do you have any documentation about that
3 Q. So for his profession do you know if he's	4 experience at all?
4 touching anybody's private parts?	5 A. No.
5 A. No.	6 MS. MCENROE: I'd like to take a quick
6 Q. Do you know when the last time Dr. Newton	7 break.
7 delivered a baby was?	8 MR. CERYES: Okay.
8 A. No, I don't.	9 VIDEO SPECIALIST: We're going off the
9 Q. Do you know if Dr. Newton has ever	10 record at 2:29.
10 delivered a baby?	11 (Proceedings recessed)
11 A. I don't know if he's ever delivered a baby.	12 VIDEO SPECIALIST: We're back on the record
12 Valid, if my feelings were valid, that's the	13 at 2:41.
13 word I was looking for.	14 BY MS. MCENROE:
14 Q. Oh, from your earlier answer.	[REDACTED]
15 A. Yes. Yes.	18 A. Yes. [REDACTED]
16 Q. Do you use any social media, Ms. Evans?	21 A. Yes.
17 A. Yes.	22 Q. What hospital was that at?
18 Q. What social media do you use?	23 A. Laurel?
19 A. I have Facebook.	24 Q. Where?
20 Q. Are you on Facebook as Desire Evans?	25 A. Wait. Hold on. I was living in -- Laurel
21 A. Yes.	
22 Q. Are you an active user of Facebook?	
23 A. Yeah, you can say that.	
24 Q. Do you keep a diary, Ms. Evans?	
25 A. No.	
Page 179	Page 181
1 Q. Do you have a blog?	1 Regional Medical Center, I'm assuming.
2 A. No.	2 Q. In Maryland?
3 Q. Do you keep a calendar or a daily diary of	3 A. Yes.
4 your activities?	4 MS. MCENROE: From our perspective,
5 A. No.	5 counsel, there's still some significant open medical
6 Q. Do you have in your possession any medical	6 records that have not been produced, most notably from
7 records that were not provided to counsel in this	7 Dr. Donato and Dr. Nnamani, [REDACTED]
8 litigation?	[REDACTED]
9 A. No.	9 So pending those productions and our ability to
10 Q. You mentioned that you are currently being	10 review them, we're going to suspend the deposition and
11 treated by a Paul Donato, correct?	11 leave it open.
12 A. Yes.	12 We appreciate your attending here today and
13 Q. Do you know if you signed a consent form	13 answering my questions.
14 for Dr. Donato's office to release records about your	14 MR. CERYES: Okay. And we'll evaluate from
15 treatment?	15 our perspective -- we have requested those records, so
16 A. I'm pretty sure I did.	16 once they come in, we'll discuss the proprietary of
17 Q. Do you know if you signed a release or a	17 reopening the deposition at that time.
18 consent form for Dr. Nnamani's office to release	18 MS. MCENROE: We look forward to reviewing.
19 records?	19 Thank you.
20 A. I'm pretty sure I did.	20 THE WITNESS: I'm going to have to come
21 Q. Have you ever seen those doctors' records	21 back?
22 from either Drs. Donato or Nnamani?	22 MR. CERYES: We'll see about that.
23 A. No.	23 Ms. Evans, I do have just a couple follow-up
[REDACTED]	24 questions for you.
[REDACTED]	25 EXAMINATION

Page 182	Page 184
1 BY MR. CERYES:	1 at 2:44 p.m.)
2 Q. First of all, you were asked by counsel	2 //
3 some questions about your knowledge of the process	3
4 that physicians have to go through in order to	4
5 become -- in order to see and treat patients. Do you	5
6 recall those questions?	6
7 A. Yes.	7
8 Q. Okay. Prior to undergoing care and	8
9 treatment from Akoda, was it your belief that	9
10 physicians did have to go through a process in order	10
11 to be entrusted with the responsibility of seeing and	11
12 treating patients as a physician?	12
13 MS. MCENROE: Objection to form, leading.	13
14 A. Yes.	14
15 Q. Okay. And was it your assumption in	15
16 agreeing to undergo treatment by the person you	16
17 knew -- you knew as Dr. Akoda, that he had gone	17
18 through that process in a lawful way without having	18
19 misrepresented his identity?	19
20 MS. MCENROE: Objection to form, leading.	20
21 A. Yes.	21
22 Q. Okay. And had you understood that Akoda	22
23 had misrepresented his identity in order to go through	23
24 that process, would you have agreed to undergo	24
25 treatment from him?	25
Page 183	Page 185
1 MS. MCENROE: Objection to form, leading.	1 ACKNOWLEDGMENT OF DEPONENT
2 A. No.	2
3 Q. Okay. You were also asked some questions	3 I, DESIRE EVANS, do hereby acknowledge that
4 about your role as a Class representative in this	4 I have read and examined the foregoing testimony and
5 case. Do you recall those questions?	5 that the same is a true, correct and complete
6 A. Yes.	6 transcription of the testimony given by me, with the
7 Q. Is it your intention in this case to seek	7 exception of the noted corrections, if any, appearing
8 on behalf of yourself and others who are patients of	8 on the attached errata page(s).
9 Dr. Akoda compensatory damages, meaning monetary	9
10 damages, for the emotional distress caused by having	10 DATE DESIRE EVANS
11 undergone treatment by Akoda in an amount that a jury	11
12 deems appropriate?	12
13 MS. MCENROE: Objection to form --	13 Subscribed and sworn to before me this _____ day of
14 A. Yes.	14 _____, 20_____. (Notary Public)
15 MS. MCENROE: -- leading. Counsel is	15
16 testifying.	16 My Commission expires: _____
17 MR. CERYES: That's all I have.	17
18 MS. MCENROE: No questions from us. Again,	18
19 we suspend the deposition. Thank you.	19
20 VIDEO SPECIALIST: We're going off the	20 [SEAL]
21 record at 2:44.	21
22	22
23 //	23
24 //	24
25 (The deposition of DESIRE EVANS adjourned	25

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1 C E R T I F I C A T E

2  
3 I, LINDA S. KINKADE, Registered Diplomate  
4 Reporter, Certified Realtime Reporter, Registered  
5 Merit Reporter, Certified Shorthand Reporter, and  
6 Notary Public, do hereby certify that prior to the  
7 commencement of examination the deponent herein was  
8 duly sworn by me to testify truthfully under penalty  
9 of perjury.

10 I FURTHER CERTIFY that the foregoing is a true  
11 and accurate transcript of the proceedings as reported  
12 by me stenographically to the best of my ability.

13 I FURTHER CERTIFY that I am neither counsel for  
14 nor related to nor employed by any of the parties to  
15 this case and have no interest, financial or  
16 otherwise, in its outcome.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my notarial seal this 9th day of  
19 September, 2019.

20 My commission expires: July 31, 2022

21

22 \_\_\_\_\_

23 NOTARY PUBLIC IN AND FOR  
24 THE DISTRICT OF COLUMBIA

25

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1 WITNESS ERRATA SHEET

2 REF. NO. 225851 Page 1 of \_\_\_\_\_

3 NAME OF CASE: RUSSELL, et al. v. ECFMG

4 DEPONENT: DESIRE EVANS

5 DATE OF DEPOSITION: September 5, 2019

6 PLEASE INSERT REASON FOR CHANGE:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct a transcription error.

10 Page Line Reason No.

11 From \_\_\_\_\_ to \_\_\_\_\_

12 Page Line Reason No. \_\_\_\_\_

13 From \_\_\_\_\_ to \_\_\_\_\_

14 Page Line Reason No.

15 From \_\_\_\_\_ to \_\_\_\_\_

16 Page Line Reason No.

17 From \_\_\_\_\_ to \_\_\_\_\_

18 Page Line Reason No.

19 From \_\_\_\_\_ to \_\_\_\_\_

20 Page Line Reason No.

21 From \_\_\_\_\_ to \_\_\_\_\_

22

23 SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

24 (Signature of DESIRE EVANS)

25